

19 JANUARY 1948

I N D E X
Of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
3150-41		3763	The SAIONJI-HARADA Memoirs	37603	
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3150-66		3769	The SAIONJI-HARADA Memoirs	37630	
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3150-71		3771	The SAIONJI-HARADA Memoirs	37634	
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3150-72		3772	The SAIONJI-HARADA Memoirs	37636	
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3150-85		3773	The SAIONJI-HARADA Memoirs	37640	
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3150-103		3774	The SAIONJI-HARADA Memoirs	37646	
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3150-127		3776	The SAIONJI-HARADA Memoirs	37660	
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3150-148		3777	The SAIONJI-HARADA Memoirs	37665	
3150-148A		3777-A	Excerpt therefrom - Chapter 148 (p. 1008)		37665
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3150-180		3778	The SAIONJI-HARADA Memoirs	37672	
3150-180A		3778-A	Excerpt therefrom - Chapter 180 (p.1294)		37672
3150-189		3779	The SAIONJI-HARADA Memoirs	37674	
3150-189A		3779-A	Excerpt therefrom - Chapter 189 (pp. 1374-5)		37674
3150-244		3780	The SAIONJI-HARADA Memoirs	37680	
3150-244A		3780-A	Excerpt therefrom - Chapter 244 (pp.1820- 21)		37680
3150-249		3781	The SAIONJI-HARADA Memoirs	37687	
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3150-250		3782	The SAIONJI-HARADA Memoirs	37689	
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3150-251A		3733-A	Excerpt therefrom - Chapter 251 (p. 1890)		37692
			<u>AFTERNOON RECESS</u>		37693
3150-254		3784	The SAIONJI-HARADA Memoirs	37695	
3150-254A		3784-A	Excerpt therefrom - Chapter 254 (pp. 1919-20)		37695
3150-255		3785	The SAIONJI-HARADA Memoirs	37697	
3150-255A		3785-A	Excerpt therefrom - Chapter 255 (p. 1923)		37697
3150-257		3786	The SAIONJI-HARADA Memoirs	37698	
3150-257B		3786-A	Excerpt therefrom - Chapter 257 (p. 1962)		37698
3150-258		3787	The SAIONJI-HARADA Memoirs	37702	
3150-258A		3787-A	Excerpt therefrom - Chapter 258 (p. 1970)		37702
3150-259		3788	The SAIONJI-HARADA Memoirs	37709	
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3150-260		3789	The SAIONJI-HARADA Memoirs	37717	
3150-260C		3789-A	Excerpt therefrom - Chapter 260 (pp. 1995-2002)		37718

Monday, 19 January 1948

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE JU-AO MEI, Member
from the Republic of China, not sitting from 0930 to
1600.

For the Prosecution Section, same as before.
For the Defense Section, same as before.

- - -

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFF.)

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1 MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session.

2 THE PRESIDENT: All the accused are present
3 except SHIRATORI, who is represented by counsel. The
4 Sugamo Prison surgeon certifies that he is unable to
5 attend the trial today. The certificate will be recorded
6 and filed.

7 Mr. Comyns Carr.

8 MR. COMYN: CARR: May it please the Tribunal,
9 in view of a previous ruling I do not propose to offer
10 item No. 19 on my order of proof, document 39-A.

11 I now offer in evidence IPF document 3150-41A
12 written the 3rd of May 1932, and SHIRATORI's advocacy
13 of and views on Japan's withdrawal from the League of
14 Nations. This is offered to contradict SHIRATORI's
15 denial on cross-examination, at page 35,081, that he
16 advocated Japan's withdrawal from the League of Nations
17 and his further denial, page 35,082, that he ever stated
18 his views on this subject, as recorded by Baron HARADA.

19 THE PRESIDENT: Mr. McMANUS.

20 MR. McMANUS: If your Honor pleases, I call
21 your Honor's attention to the third line, which states,
22 "Army circles in general . . ." There is the possi-
23 bility that the accused ARAKI may in the prosecution's
24 mind be involved by this statement, and we object to the
25

1 document for this reason. It may have been the opinion
2 of some of the army officers, but there is no proof to
3 show that this was the opinion of ARAKI.

4 THE PRESIDENT: Mr. Logan.

5 MR. LOGAN: If the Tribunal please, I ask that
6 the last paragraph of the excerpt be disregarded. It
7 refers to some opinions that HARADA is supposed to have
8 heard from KIDO, INOUE and SUZUKI. It doesn't state
9 what their opinions were. If the prosecution had seen
10 fit to continue that quotation it would have been very
11 favorable to KIDO, so it can have no probative value
12 as far as the Tribunal is concerned, stating opinions
13 without setting forth what the opinions were. And if
14 it is admitted, I ask that that last paragraph be re-
15 ferred to the Language Section. It is inaccurate.

16 MR. COMYN: CARR: May it please the Tribunal,
17 with regard to the last paragraph, I am disposed to
18 agree that it adds nothing of value, and to agree that
19 that be struck out.

20 THE PRESIDENT: Except to show the importance
21 of SHIRATORI's views, but that is hardly relevant.

22 MR. COMYN: CARR: Yes, that was the object,
23 your Honor, to show that they were considered sufficient-
24 ly important to be discussed by the persons named.

25 THE PRESIDENT: Mr. Caudle.

1 MR. CAUDLE: If it please the Tribunal, Mr.
2 SHIRATORI, when he testified, wanted to explain this
3 but Mr. Sandusky said it was not necessary. That is
4 correct.

5 THE PRESIDENT: Mr. Comyns Carr.

6 MR. COMYNS CARR: Your Honor, with regard to
7 the last observation, it seems that he denied entirely
8 ever having said it. An explanation did not seem likely
9 to carry the matter any further, and that was why my
10 friend Mr. Sandusky said what he did.

11 With regard to the objection taken on behalf
12 of ARAKI, there is and will be plenty of direct evidence
13 of ARAKI's views on this matter, and I should not rely
14 on this paragraph, this sentence about the "Army
15 circles in general . . ." especially for ARAKI's views.
16 It is entirely for SHIRATORI's views that this excerpt
17 is offered.

18 THE PRESIDENT: By a majority the objections
19 are overruled and the document admitted on the usual
20 terms, except the last paragraph, against SHIRATORI only.

21 CLERK OF THE COURT: Prosecution document
22 3150-41 will receive exhibit No. 3763 for identification
23 only; excerpt therefrom, being prosecution document
24 3150-41A, will receive exhibit No. 3763-A.
25

(Whereupon, the document above

1 referred to was marked prosecution exhibit
2 No. 3763 for identification; the excerpt
3 {herefrom being marked prosecution exhibit
4 No. 3763-A and received in evidence.)

5 MR. COMYNS CARR: I now offer in evidence
6 IPS document 3150.-o

7 THE PRESIDENT: Are you going to read this,
8 Mr. Carr?

9 MR. COMYNS CARR: Oh, I beg your pardon, your
10 Honor.

11 (Reading) "There were many in the Foreign
12 Ministry who, like SHIRATORI, advocated Japan's with-
13 drawal/from the League of Nations/. Army circles in
14 general were enthusiastic about this 'Withdrawal from
15 the League of Nations.' The basis of SHIRATORI's argu-
16 ment is that, 'Japan is unable to remain in the League
17 after taking such actions in Manchukuo since September
18 18. It is unreasonable for the small nations in Europe
19 who are lacking in knowledge, to get together and
20 restrain Japan in any way. However, even if Japan de-
21 sires to have the understanding of the great powers,
22 it is still unnecessary for her to remain in the League.
23 Japan can do anything if she'll negotiate directly
24 with England, France or the United States and obtain
25 their understanding. It is quite improper to remain in

the League."

1 "He must have aroused Chief Cabinet Secretary
2 MORI's sympathy and MORI went directly to the Premier
3 and urged withdrawal from the League."

4 I now offer in evidence IPS document 3150-51A,
5 relating to 12 September 1932 and to the conversation
6 of Baron HARADA and the accused SHIRATORI as to whether
7 ARAKI should be appointed premier. This is offered
8 to contradict SHIRATORI's denial, at page 35,384, that
9 he ever suggested to HARADA that ARAKI be made premier,
10 or that he ever expressed an opinion favoring such
11 appointment.
12

13 THE PRESIDENT: Mr. McManus.

14 MR. McMANUS: I object to this document, and
15 I direct the Tribunal's attention to the last sentence
16 in the first paragraph. I object most strenuously on
17 the grounds that it is strictly a conclusion which
18 might well have been drawn simply and more or less be-
19 cause of the fact that ARAKI happened to be War Minister
20 at that time. I further point out to the Court that
21 ARAKI, of course, was never made premier.

22 THE PRESIDENT: By a majority the objection is
23 overruled and the document admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution document
25 3150-51 will receive exhibit No. 3764 for identification

only; excerpt therefrom, being prosecution document
3150-51A, will receive exhibit No. 3764-A.

(Whereupon, the document above
referred to was marked prosecution exhibit No.
3764 for identification; the excerpt therefrom
being marked prosecution exhibit No. 3764-A
and received in evidence.)

MR. COMYNS CARR (reading): "12 September 1932.

"I then visited SHIRATORI on the 12th at the
Foreign Ministry. SHIRATORI repeatedly remarked: 'How
about appointing the present War Minister ARAKI as the
next Premier?' When I asked him why, he replied: 'Up
to now the exchange rate has dropped considerably.
This is because Japan does not possess a strong govern-
ment, and consequently, in foreign affairs, it is
prodded from behind by the militarists, and changes to
the right shortly after proclaiming that the Empire's
foreign policies are toward the left. This is very
harmful to the country's reputation. Rather than that,
would it not be a more becoming policy for the present-
day Japanese Empire to have ARAKI, who is a representa-
tive of the powerful militarists, become the Prime
Minister, and to proceed upon an unwavering policy for
five or six years more.'

"I then said: 'How many years have you been a

1 diplomat anyway? In our opinion it is of course bad
2 to have the militarists, who should have no connec-
3 tions with politics, restrain the administration after
4 it has once set its policies. Not only that, the reason
5 why Japan has lost the confidence of other nations is
6 the absence of diplomacy. This results from the
7 militarists' direct intervention in international
8 problems; and not only that; they even interfere
9 directly in domestic affairs. This is the reason for
10 the instability of political affairs and today's loss
11 of trust. Therefore, in foreign relations, it is
12 possible to regain this faith only by placing the
13 militarists in the background. At the same time, from
14 a domestic standpoint, freedom of action, without re-
15 strictions from militarists, is the basis for stabiliz-
16 ing the political situation. I believe that this is
17 the fundamental issue in stabilizing the exchange rate.
18 I parted with SHIRATORI after that."
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1 MR. COMYNS CARR: I now offer in evidence
2 IPS document No. 3150-52A in rebuttal of ARAKI's
3 statement that he did not remember a conversation
4 with Prince KONOYE in 1932 about a Chinese suggestion
5 for direct negotiations between Japan and China,
6 page 28,366, the second question and answer thereto.

7 I might perhaps point out that the next one
8 which I wish to offer confirms that the statement
9 that was only reported in this one was directly made.

10 THE PRESIDENT: Mr. McManus.

11 MR. McMANUS: If your Honor please, I object
12 to this document on the ground that it is strictly
13 unreliable hearsay. How did the writer know that
14 ARAKI made such a statement to KONOYE? Now, if the
15 Tribunal please, how can the last sentence in this
16 document become evidence in any court, as it contains
17 nothing but conclusions and conjectures of a dead man?
18 And I point out to the Tribunal the unfairness of
19 admitting this type of evidence, particularly when
20 on the defense case in the specific instance of OSHIMA
21 the Tribunal had to satisfy itself that the statement
22 of von Ribbentrop was a dying declaration before it
23 even considered its admission.

24 MR. COMYNS CARR: With regard to the last
25 point, your Honor, of course the statement of Ribbentrop

1 was a statement made after the event and not as part
2 of the conspiracy. This is a statement alleged to
3 have been made as part of the conspiracy.

4 THE PRESIDENT: By a majority the objection
5 is overruled and the document admitted on the usual
6 terms.

7 MR. COMYNS CARR: Your Honor, I find I was
8 mistaken in saying the next document has any connec-
9 tion with this one. I was confusing two documents.
10 I shouldn't like that to go forward.

11 MR. McMANUS: Would the last statement by
12 the prosecution, if the Tribunal pleases, have any
13 effect on the decision just rendered by the Court?

14 THE PRESIDENT: You should know that it hasn't.
15 The Court is guided wholly by the law and by the evi-
16 dence admitted. I shouldn't have to say that.

17 CLERK OF THE COURT: Prosecution document
18 3150-52 will receive exhibit No. 3765 for identifica-
19 tion only; and the excerpt therefrom, being prosecu-
20 tion document 3150-52A, will receive exhibit No. 3765-A.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution exhibit No.
23 3765 for identification; the excerpt therefrom
24 being marked prosecution exhibit 3765-A and
25 received in evidence.)

1 MR. COMYNS CARR (reading): "About 21 August
2 1932.

3 "The Chinese Ambassador came several times to
4 KONOYE's place in Kamakura saying 'Cannot the Japanese
5 Government abandon the idea of the recognition of
6 Manchukuo? ... Since the problem is one between
7 China and Japan, it should be settled between the two
8 without it coming into the hands of the League.' ...
9 KONOYE repeated the above statement to me, so I told
10 him 'If the Chinese Ambassador feels that way I think
11 that it is better to ask him to speak directly to a
12 person who is responsible. Perhaps if he speaks to the
13 War Minister and if the Army takes action on this prob-
14 lem, the way will be made much easier for the Foreign
15 Ministry ...'

16 "And then Prince KONOYE went to see War Minis-
17 ter ARAKI in the afternoon and discussed the problem
18 in detail, but the Minister was entirely disinterested
19 /T.N. in what Prince KONOYE proposed/. He said that
20 it might be all right if the matter were to be handled
21 as a local issue, but that it would not be desirable
22 if it were to be handled as a general problem /T.N.
23 between Japan and China/ and settled without taking it
24 to the League of Nations. Since the attitude of the
25 War Minister seemed to be as if he favored creating a

1 situation in which Japan, as a result of the delibera-
2 tions of the League of Nations, would become isolated
3 and would have to wage a war against the world, Prince
4 KONOYE returned very astonished."

5 Your Honor, it is the next two documents which
6 are connected together and I think I had better offer
7 them together so the Tribunal may so consider them.
8 They are IPS documents No. 3150-60A and 61A.

9 I now offer in evidence IPS document No.
10 3150-60A in rebuttal of ARAKI's statement that he had
11 no recollection of showing KONOYE and HARADA on Novem-
12 ber, 1932, a plan he had then for a national policy,
13 page 28,391, the first and second questions and answers
14 thereto, and page 28,392, the first question and answer,
15 and of his denial that Finance Minister TAKAHASHI
16 stated it would take four or five years and cost too
17 much, page 28,293, the third question, and page 28,394,
18 the first answer.

19 I now also offer in evidence IPS document No.
20 3150-61A in rebuttal of ARAKI's refusal to confirm
21 (1) having advocated that Japan should pursue an emer-
22 gency policy for two years, that she should consider
23 whether to attack Soviet Russia within two years, and
24 that she should maintain friendly relations with the
25 United States, page 28,392, the first question and

1 answer thereto; (2) having advocated the summoning
2 of a peace conference as an alternative, page 28,392,
3 the second question and answer thereto; (3) having said
4 that within two or three years Japan must complete
5 preparations and assert her intent by show of force
6 whether in peace or war, page 28,392, the third
7 question and answer thereto; (4) having described
8 TAKAHASHI as a splendid man, page 28,344, the last
9 question and answer thereto. Attention is also drawn
10 to the second question on page 28,394 and the Presi-
11 dent's remarks arising out of it.

12 THE PRESIDENT: Apparently there is no objec-
13 tion. Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 3150-60 will receive prosecution exhibit No.,
16 3766 for identification only; and the excerpt there-
17 from, being prosecution document 3150-60A will re-
18 ceive exhibit No. 3766-A.

19 Prosecution document 3150-61 will receive
20 exhibit No. 3767 for identification only; and the
21 excerpt therefrom, being prosecution document No.
22 3150-61A will receive exhibit No. 3767-A.

23 (Whereupon, prosecution document
24 No. 3150-60 was marked prosecution exhibit
25 No. 3766 for identification; the excerpt

1 therefrom being marked prosecution exhibit
2 3766-A; and prosecution document No. 3150-61
3 was marked prosecution exhibit 3767 for identi-
4 fication; the excerpt therefrom being marked
5 prosecution exhibit 3767-A and received in
6 evidence.)
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1 MR. COMYNS CARR: I will now read exhibit
2 3766-A:

3 "1 November 1932.

4 ". . . I left the Navy Minister's place and
5 went to meet Finance Minister TAKAHASHI. I told the
6 Finance Minister about the matter of the national
7 policy that the War Minister, ARAKI, is said to have
8 shown KONOYE, when KONOYE met him in the morning on
9 the previous Sunday (October 30), but since he had
10 already talked it over very carefully with the War
11 Minister with the intent of instructing him, he
12 seemed very well informed on this matter of national
13 policy.

14 "This National Policy, which ARAKI is said
15 to have shown to KONOYE, is as follows:

16 "A. Carry on an emergency policy for two
17 years.

18 "B. Study whether to attack Soviet Russia
19 within the two years or not.

20 "C. Plan the perfection of military prepared-
21 ness and national defense within the two years.

22 "Another item was the promotion of friendly
23 relations between Japan and the United States and the
24 furtherance of international goodwill.
25

"ARAKI seems to have discussed this matter

1 with Finance Minister TAKAHASHI and he /TAKAHASHI/
2 said: 'He /War Minister ARAKI/ talks about carrying
3 on the emergency policy for two years, but it cannot
4 be fully executed in just two years. We must con-
5 sider that it will take four or five years. . .'"

6 I now read exhibit 3767-A:

7 "7 November 1932."

8 I am not sure whether there is a mistake in
9 your Honor's copy as to that date.

10 ". . .On the evening of the 7th, I met, after
11 a long time, the War Minister at his official residence.
12 He said, 'The Finance Minister has a thorough under-
13 standing of the situation.' and 'Roughly speaking, we
14 must continue on emergency provisions from the stand-
15 point of national policy for two or three years. We
16 must decide whether to attack Soviet Russia during
17 this period or to convene a Peace Conference for the
18 Far East, and by inviting England, United States and
19 France who have vital interests in the Far East, hold
20 a so-called Peace Conference among Japan, Manchukuo,
21 China and Russia, and it would be very well if we could
22 arrive at an agreement to prevent the spread of commu-
23 nistic propaganda. Should it still happen that the
24 security of neighboring nations are disturbed by the
25 Red movements, Japan must attack and destroy them.

1 Within two or three years we must perfect our national
2 defense, that is, we must complete preparations and
3 assert our nation's intent by displaying power for both
4 peace and war in order not to permit other nations to
5 make light of us. Furthermore, in regard to our rela-
6 tions with the United States, we must keep Japanese-
7 American goodwill as our keynote and also continue our
8 diplomatic relations with other nations along the same
9 line.'

10 "The rest of the comments by the War Minister
11 was as above and was the same in context as the one he
12 had shown to KONOYE the previous day. /He further
13 stated,/ 'Finance Minister TAKAHASHI, especially,
14 understands very well, and as he is such a splendid
15 person, I ask his views on various problems.' The War
16 Minister went on, 'In view of the present national
17 situation, an annual budget of ¥ 2,500,000,000 to
18 ¥ 2,600,000,000 is reasonable. The present differs
19 from the past when ¥ 1,000,000,000 or so sufficed, so
20 the present budget, although it reaches the above
21 amounts, is not unreasonable. Furthermore, I believe
22 this can be had without overburdening the people. I
23 am confident that a considerable amount of revenue can
24 be obtained from Manchukuo if we so desired. The
25 Finance Minister wants to hold the combined Army and

1 Navy budget down to eight hundred million yen, but
2 we want an additional increase of two hundred million
3 yen. However, at the present no definite outcome can
4 be foreseen. Anyway, on the whole, the outline for
5 the budget has been made rather smoothly. . ."

6 MR. McMANUS: If it please the Tribunal, I
7 should like to point out to the Tribunal a direct
8 contradiction of these two documents to the second
9 previous document accepted into evidence, to-wit,
10 3150-52A.

11 THE PRESIDENT: This is not necessary to
12 avoid cross-examination, Mr. McManus. You can do
13 this in your summation.

14 MR. McMANUS: I simply would like the Court
15 to specifically and carefully note the inconsistencies.

16 THE PRESIDENT: Mr. Carr.

17 MR. COMYNS CARR: I now offer in evidence
18 IPS document No. 3150-65A, in rebuttal of ARAKI's
19 refusal to confirm that, during a call made on him by
20 HARADA on 6 December 1932 (page 28,346, first question
21 and answer thereto), ARAKI said (1) that if the Japanese
22 continued to limit their troops for Jehol to those
23 already there it would be a repetition of the Nikolaevsk
24 Incident (page 28,346, last question and answer thereto),
25 (2) "Let us deal with this situation as we did the

1 Shanghai Incident" (page 28,347 first question and
2 answer thereto), "that is, finish the matter in the
3 shortest possible time by sending a large force" (page
4 28,348, whole page), (3) that the army had not wanted
5 to send troops to Shanghai (page 28,349, second and
6 third questions and answers thereto), and (4) that
7 the Foreign Ministry gave the army no credit for
8 having secured a quick settlement at Shanghai (page
9 28,350, last question and answer thereto on next page).

10 THE PRESIDENT: Mr. McManus.

11 MR. McMANUS: If your Honor please, I formally
12 object to the document on the specific grounds that I
13 had mentioned before concerning the entire diary;
14 however, I must call to the attention of the Court
15 that the entry in the diary was made on two different
16 dates, December 26 and January 15, and here it is
17 dated the 6th of December, or for the occasions which
18 happened on the 6th of December 1932.

19 THE PRESIDENT: By a majority the objections
20 are overruled and the document admitted on the usual
21 terms.

22 CLERK OF THE COURT: Prosecution document
23 3150-65 will receive exhibit No. 3768 for identification
24 only; the excerpt therefrom being prosecution document
25 3150-65A will receive exhibit No. 3768-A.

(Whereupon, prosecution document
No. 3150-65 was marked prosecution exhibit
No. 3768 for identification; and the excerpt
therefrom, prosecution document No. 3150-65A,
was marked prosecution exhibit No. 3768-A and
received in evidence.)

MR. COMYNS CARR: Your Honor, the title,
"Reduction of Military Armaments and Prince SAIONJI,"
is not part of the diary and should not appear here.

(Reading): "Then, on the 6th, I visited the
War Minister and inquired about the state of affairs.
According to the War Minister, he looked upon the
Jehol problem as a local matter because it was a part
of Manchukuo, and he said he wanted to 'settle the
matter by shortening time' as it was after all a
question of limitation of area or of time. The
general outline of the War Minister's conversation
was as follows: 'I am afraid that if we keep on
moving small troops into Jehol as we are doing now,
another failure like the Nikolayevsk Incident might be
brought about. So, we should follow the example of
the Shanghai Incident -- that is, to send out large
troops and decisively settle the matter once and for
all in a short period of time, or otherwise, I am
afraid it might be another repetition of the Nikolayevsk

Incident if we grudge the dispatch of large troops.'

The War Minister further said that, 'I am still very indignant about the Shanghai Incident. From the first, the army did not want to send troops. However, it was much discussed at one time that the army should act only within the leased territory, and at other times, that the army should be prohibited to pass through the settlement, or some such thing or other. Thereupon, I demanded to know what on earth our aim was and asked them to decide the aim in the first place. And, then, at last, it was decided that our aim was to protect the residents. The soldiers were then sent forth and the matter was settled very satisfactorily, much more than had been expected. In spite of the fact that the Powers did not make any difficulties, everyone is indifferent to the Army, or to that Shanghai Incident. They seem to have completely forgotten that they had been very particular about the army, and that is highly exasperating to us. Although much is being said about the international political situations, Japan will not be spoken well of, no matter what she does, so it is a great mistake to expect to be considered agreeable.' He spoke about the matter as above, so I said, 'Of course we do not expect to be considered agreeable or to manage

1 things tactfully, and after all it is our fundamental
2 point of view to avoid as much as possible what is
3 useless, or rather, harmful, and unprofitable.

4 Furthermore, if we are to actually put something into
5 practice, it must be right both in name and reality.

6 It is very disadvantageous to be considered by the
7 Powers as to have waged an unjustifiable war.'

8 Finally, the War Minister stated as follows, explain-
9 ing that it was his unreserved opinion: 'If about

10 three divisions were first to land at Tsingtao and
11 pass through Tsinan, or in other words, if the troops
12 landed in Shantung Province and advanced towards
13 Peking and Tientsin districts, Chang Hsueh-liang
14 would take to flight before the troops reached Tsinan.

15 So, I would like to carry out this plan if permitted,
16 but I think that would be rather difficult.' We dis-
17 cussed much, but he said in general that he 'wanted
18 as much as possible to limit the matter to Jehol alone,
19 and that the General Staff Office also seemed to be
20 deliberating, on such various methods,' and with this,
21 we parted."
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I now offer in evidence IPS document No.
1 3150-66A in rebuttal of ARAKI's denial that he op-
2 posed the conclusion of a non-aggression pact with
3 Russia (page 28,395 first question and answer thereto)
4 that he said it might facilitate the spreading of
5 communistic propaganda (page 28,395 second question
6 and answer thereto) and that, at a Cabinet meeting on
7 13 January 1933 he had an argument with Finance
8 Minister TAKAHASHI about the latter's assertion that
9 the Army and the Kempetai in particular were control-
10 ling public opinion and newspapers by threats (page
11 28,395 last question continuing on page 28,396 and
12 next question on page 28,396 and answers to both).

14 THE PRESIDENT: Mr. McManus.

15 MR. McMANUS: The objection to the intro-
16 duction of this document is primarily to its trans-
17 lation. Nevertheless, we object to its introduction
18 before it is cleared by the Language Arbitration
19 Board because, when it is translated as it should be,
20 it is our submission that it has no probative value
21 and is irrelevant to the accused ARAKI.

22 The first objection to the translation is
23 the first word of the 13th line of the first para-
24 graph where it says "Army." It ought to be, according
25 to the Japanese text, "someone in the direction of the

1 Army" or "someone around the Army," a very vague
2 expression used by the Foreign Minister, and it does
3 not show who was the subject to be alluded to by it.

4 The second objection is the use of "Army"
5 which frequently appears in the 6th, 10th and 11th
6 lines of the second paragraph. The Japanese word
7 for the translation is "gumbu" which can be taken
8 "Army," "Navy," or both, and there is no indication
9 to show which of the two was meant by this.

10 Lastly, the second and third lines of page
11 2 should be, "Afterwards, he said several things."
12 The Japanese is, as I understand, rather dubious,
13 but certainly it does not contain the word "explain"
14 as the prosecution translation states. Now, we submit
15 that what the War Minister said against the Finance
16 Minister's remarks should be fully produced if the
17 remark is to be given any probative value at all.
18 So, before your Honors consider the acceptance of
19 this document, I respectfully request that it be sub-
20 mitted to the Language Arbitration Board.

21 THE PRESIDENT: It is pointed out to me,
22 Mr. Carr, that the memo purports to be dated the 13th
23 of January and speaks of happenings on the 14th,
24 whatever the "14th" means.

25 MR. COMYNS CARR: Yes, but the meaning of

1 the date is that the events recorded are said to have
2 taken place on the 13th. Baron HARADA says it was
3 reported to him by the Finance Minister on the 14th.
4 The purpose of the date at the head is to point out
5 as nearly as we can what date is under discussion as
6 the date of the events.

7 THE PRESIDENT: We will refer it to the
8 Language Arbitration Section immediately. The cor-
9 rections may make a difference in our judgment on the
10 document; I do not know. Meanwhile, you can be
11 going on with another document.

12 MR. COLYNS CARR: If your Honor please.
13 I now offer in evidence IPS document No. 3150-69A in
14 rebuttal of ARAKI's refusal to confirm that at a
15 Cabinet meeting on February 1 1933 some of ARAKI's
16 colleagues complained that the Army was instigating
17 the newspapers to advocate withdrawal from the League
18 of Nations (page 28,396 second question and answer
19 thereto) and that ARAKI could stop them and that they
20 asked ARAKI why he did not do so (page 28,396, last
21 question and answer thereto).

22 THE PRESIDENT: MR. McMANUS.

23 MR. McMANUS: If your Honor pleases, I have
24 the same objection to this document as to the last one,
25 and I request that this also be submitted to the

Language Arbitration Section.

1 THE PRESIDENT: I think we will take the
2 determination of the Board before we refer this one.

3 MR. McMANUS: Would your Honor care to have
4 me point out some discrepancies in this document?

5 THE PRESIDENT: Yes.

6 MR. McMANUS: In our submission the value
7 of this document is changed because of the trans-
8 lation. The first line, "when the criticism was
9 made," should be "when I criticized, saying," and it
10 is not clear who was "I." Without clearing "I," the
11 whole sentence is meaningless. Whoever the "I" may
12 be, it is certain that it was not the Finance Minister.

14 THE PRESIDENT: Mr. McManus, we have frequently
15 advised both parties to refer questioned parts of
16 documents to the Language Section as soon as the
17 discrepancy, if any, is noted, not to wait until you
18 come here to do that.

19 MR. McMANUS: If your Honor pleases, it is
20 very difficult to discover these discrepancies until
21 the last minute. I am sorry, if the Court pleases,
22 but there was nothing that I could do about this par-
23 ticular document.

24 MR. COMYNS CARR: Your Honor, might I point
25 out on that subject that there seems to be some mis-

1 apprehension amongst defense counsel as to the proce-
2 dure with regard to the Language Arbitration Board.

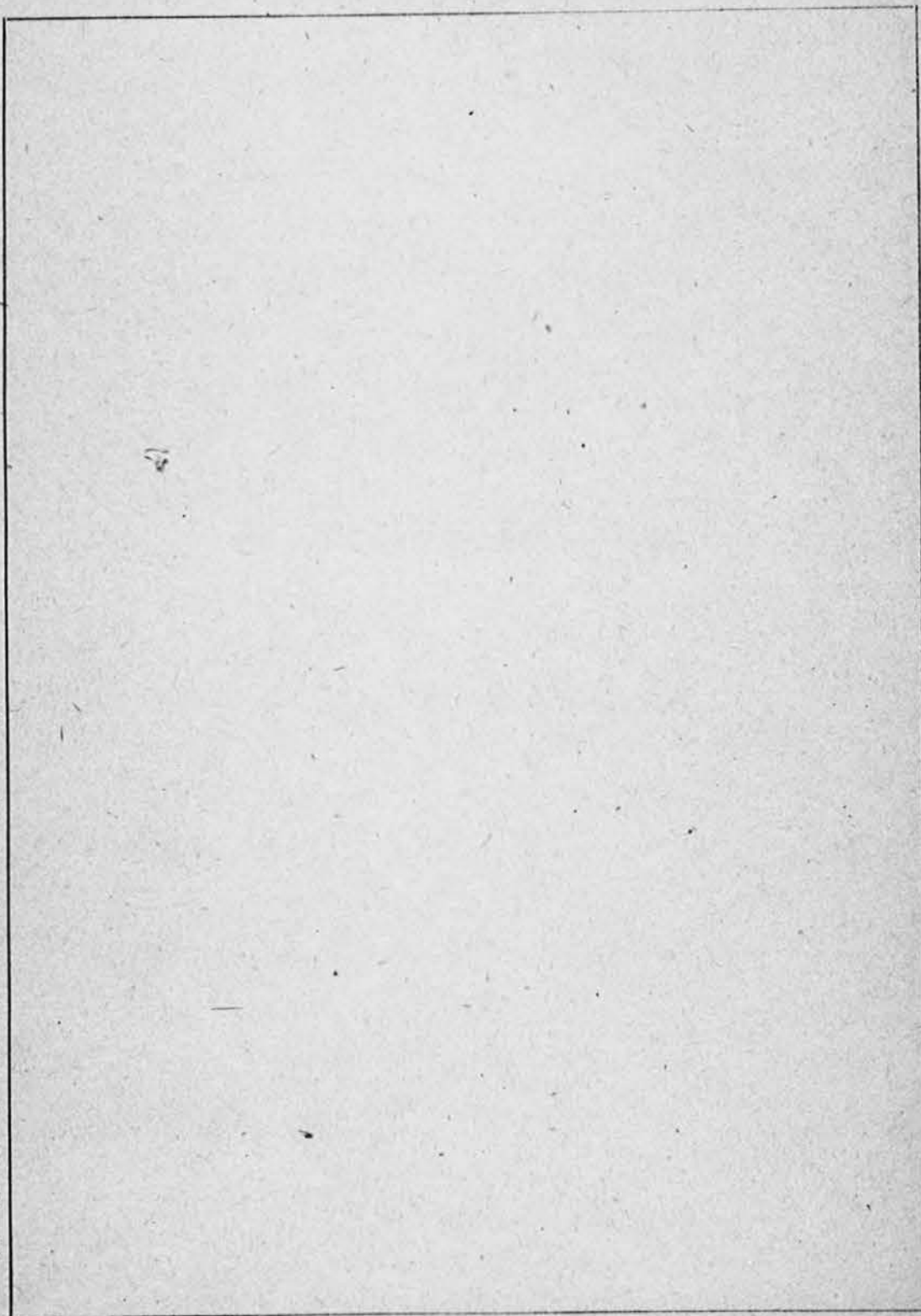
3 As I understand it, it is quite impossible for that
4 Board to undertake, in general, the retranslation of
5 whole documents. What they necessarily require is
6 that the party objecting to the translation, as
7 proffered by the party tendering the evidence, should
8 come in with specific amendments proposed and then
9 the Arbitration Board can deal with them. There are
10 quite a number of places in the record in which a
11 general direction has been given that a matter be
12 referred to the Arbitration Board, but the party con-
13 cerned has never followed it up by bringing in his
14 objections, and, therefore, nothing has been done.

15 MR. BROOKS: Your Honors please, I would like
16 to be heard on that because I have made quite a few
17 requests of the Arbitration Board recently. In the
18 past, in making corrections or asking for the Arbi-
19 tration Board to act, we have tried presenting our own
20 interpretation, and it has been very seldom where
21 there have been two interpretations, one of the prose-
22 cution and one of the defense, that either one of
23 them has been accepted; that the Board has not come
24 out with their own interpretation.
25

THE PRESIDENT: We admit documents on the

1 usual terms which includes the correction of any
2 errors. We could admit this, of course, without re-
3 ferring it first to the Language Arbitration Board
4 if the members are agreeable.
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1 Mr. BROOKS: We were talking about in general,
2 if your Honors please, not this specific one, as I
3 understood Mr. Carr to say, and what my point is I
4 wanted to submit that where there is a translation dif-
5 ficulty and the prosecution has offered their transla-
6 tion, when we say it is wrong it should be very simple
7 for the Language Section to check over and strike out
8 the errors and introduce what we say is right without
9 having any prompting. I don't think that prompting is
10 even proper from our side.

11 The main point that I wish to make, if your
12 Honors please, is that if the prosecution were allowed
13 to offer a document that is incorrect and should shift
14 the burden to us to present a correct translation for
15 the Arbitration Board to pass upon, that would put an
16 unreasonable burden upon our own machinery which is
17 overburdened as it is.

18 THE PRESIDENT: Well, we don't want a long
19 discussion. In future we will admit these things on
20 the usual terms which will mean subject to any cor-
21 rection in translation or otherwise.

22 MR. BROOKS: That is what I was afraid of,
23 your Honor.

24 I wish to submit that in the defense case in
25 like circumstances we were required to withdraw such

1 documents until they were properly translated before
2 the Court would accept them and add that burden of our
3 own. And I think in due fairness the prosecution should
4 present proper documents, if there is any question on
5 them, before they are admitted, and not place the bur-
6 den on the defense to correct their mistakes.

7 THE PRESIDENT: In a case like this the de-
8 fense will be treated just as the prosecution are being
9 treated.

10 Captain Kraft.

11 LANGUAGE ARBITER (Captain Kraft): If the
12 Tribunal please, the Language Arbitration Board wishes
13 to submit that that Language Arbitration Board means
14 just that. The Language Board cannot be considered as
15 a Language Section or a Translation Section.

16 THE PRESIDENT: The Tribunal set up the Board
17 and defined its powers and functions. We will see that
18 its responsibility is so limited, Captain Kraft. We
19 would like the corrections, if you have them, in these
20 documents.

21 LANGUAGE ARBITER (Captain Kraft): There are
22 a half dozen of those corrections to be made, sir, and
23 we do not have them finished as yet. We are working on
24 them just now.
25

THE PRESIDENT: By a majority, the objections

1 are overruled to document No. 3150-66A and the document
2 admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution document
4 3150-66 will receive exhibit No. 3769 for identifica-
5 tion only; the excerpt therefrom, being prosecution
6 document 3150-66A will receive exhibit No. 3769-A.

7 (Whereupon, the document above
8 referred to was marked prosecution exhibit
9 No. 3769 for identification, the excerpt
10 therefrom being marked prosecution exhibit
11 No. 3769-A and received in evidence.)

12 MR. COMYNS CARR: Your Honor, shall I read
13 it as it is or wait until the corrections are made?

14 THE PRESIDENT: Don't wait for the corrections.
15 We waste too much time and we are determined to save
16 time. If the corrections are so important that the
17 defense see fit to renew their application to have the
18 document rejected, well, they may make the application.
19

20 MR. COMYNS CARR: (Reading) "13 January 1933
21 "On returning from Okitsu, when I visited
22 Finance Minister TAKAHASHI on the morning of the 14th
23 the problem of Jehol was again brought up between us
24 as subject of our conversation and he told me the fol-
25 lowing. 'At the cabinet meeting held yesterday, the
Minister of Foreign Affairs reported that there had

1 been an unofficial negotiation on the Russo-Japanese
2 Non-Aggression Treaty, and that the Russian Govern-
3 ment, intending to announce the particulars of the
4 treaty ending in failure, had inquired of the Japanese
5 Government whether she would agree to such measures
6 or not.' Then when the Foreign Minister began to ex-
7 plain the matter at the cabinet meeting, I queried,
8 'Why did you not conclude the Non-Aggression Treaty?'
9 His answer was that, 'The Army fears that such an act
10 might further facilitate the Communist propaganda.'
11 Therefore, I said, 'Don't you think that only when the
12 treaty has been concluded, can we complain? Therefore,
13 would it not be better to consider the conclusion of
14 the treaty as quite a different matter from the Com-
15 munist propaganda? As I said just now, I think that
16 we can say whatever we like without hesitation only
17 when we have the Non-Aggression Treaty concluded. And
18 it is highly improper that everything should be led by
19 the Army as of late.'

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1 "The War Minister then said something or other
2 about 'the public opinion, etc. . . ' or 'the national
3 opinion, etc. . . ' I told him that 'There is no such
4 thing as public opinion or national opinion these days.
5 We are threatened by the rattle of the gendarme's sword
6 or his revolver pointed at us whenever we say anything
7 disadvantageous to the Army. Isn't it a fact that
8 there is absolutely no public opinion nor national
9 opinion today? The pressure upon the freedom of
10 speech has never been so strict as recently. I know,
11 indeed, a fact that a certain news office in Kyusu was
12 threatened by the Army on the reason that it wrote
13 something disadvantageous to the Army. The Army flew
14 an airplane over the building in circles, saying it
15 would drop a bomb from the plane. Furthermore, the
16 gendarmes are shadowing the statesmen as if they were
17 all spies, and the state of affairs at any rate is truly
18 disgusting. For instance, I once said to a pressman
19 who often comes to see me "there is almost no freedom
20 of speech these days is there?" Whereupon, he lamented
21 and said that what I said was quite true and that the
22 actual condition was such that they, too, could not
23 dare to speak what they wanted to.' At this, the War
24 Minister, flared up and said, 'That cannot be. It is
25 impossible.' 'Yes, it is possible,' I replied and further

1 added, 'I admire your spirit, but you do not act up to
2 it. What do you propose to do, with the gendarmes under
3 your supervision acting as I have mentioned before?'
4 He then mumbled that he would explain later or the like,
5 but none of the Cabinet members spoke up to support me."

6 THE PRESIDENT: Now I must take the decision
7 of the Tribunal on the next document, 3150-69A.

8 By a majority the objection is overruled and
9 the document admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution document
11 3150-69 will receive exhibit No. 3770 for identification
12 only; the excerpt therefrom, being prosecution document
13 3150-69A will receive exhibit No. 3770-A.

14 (Whereupon, the document above re-
15 ferred to was marked prosecution exhibit No.
16 3770 for identification, the excerpt there-
17 from being marked prosecution exhibit No.
18 3770-A and received in evidence.)

19 MR. COMYNS CARR: (Reading) "1 February 1933.

20 "Then, at the Cabinet meeting of the 1st, when
21 the criticism was made: 'The Army has of late been
22 completely in control of Japan's diplomacy; withdrawal
23 and such matters /are getting/ into the newspapers too
24 often, and the Army is making announcements on each
25 and every diplomatic affair. Why on earth are they

1 doing such things?' The explanation was 'No, it is the
2 newspapers that put it out . . . ' that is, 'The Army
3 does not make propaganda;' and 'The Army itself does
4 not have it written, the newspaper offices do the
5 writing, so there is no help for it.' Finance Minister
6 TAKAHASHI severely reproached the War Minister, saying,
7 'If the newspaper offices are doing the writing, why
8 doesn't the Army stop them? It should be quite easy
9 for the Army with its present power to stop them, shouldn'
10 it? All things considered, not stopping them is absurd.'
11 The War Minister seemed to be quite at a loss.

12 I now offer in evidence IPS document No. 3150-
13 71A, in rebuttal of ARAKI's denial that the Japanese
14 Cabinet decided on February 13, 1933, in order to avoid
15 further trouble with the League of Nations to describe
16 the campaign in Jehol as being against insurgents and
17 so-called bandits and not against Chinese regular troops,
18 page 28,374, last question and answer thereto.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution document 3150-
21 71 will receive exhibit No. 3771 for identification only;
22 the excerpt therefrom, being prosecution document 3150-
23 71A will receive exhibit No. 3771-A.

24 (Whereupon, the document above re-
25 ferred to was marked Prosecution exhibit No.

1 3771 for identification, the excerpt there-
2 from being marked prosecution exhibit No.
3 3771-A and received in evidence.)

4 MR. COMYNS CARR: (Reading) "13 February 1933.

5 "And on the 13th, the Premier held a Cabinet
6 council and asked the opinion of the Cabinet Ministers
7 about the draft of the reply. The reply drafted by
8 the Foreign Ministry was on the whole agreed to and was
9 sent off on the night of the 13th.

10 "At the Cabinet council, they were again
11 reminded that if /the League/ should turn to Article
12 15, Paragraph 4 and an advice be sent to them, their
13 stand was not to be decided upon carelessly without
14 scrutinizing the contents and it was decided that the
15 Jehol issue should continue to be treated as one of
16 bandits; in other words, that the attitude that the so-
17 called bandits, not the Chinese Army, were to be attacked
18 should be assumed. And it was also clearly decided at
19 the same time that it should be disposed of within
20 the boundaries of Jehol, without going south of the
21 Great Wall."

22 I now offer in evidence IPS document No. 3150-
23 72A in rebuttal of ARAKI's denial that he and Foreign
24 Minister UCHIDA proposed to the Cabinet that Japan
25 should withdraw from the League of Nations, page 28,381,

1 last question, and on page 28,382 answer thereto and
2 next two questions and answers thereto.

3 THE PRESIDENT: Mr. McManus.

4 MR. McMANUS: If your Honor please, I object
5 to this document as being unreliable hearsay. I
6 furthermore point out to the Court it does not say
7 whether HARADA was present at this meeting. I further
8 would like to point out that as the matter of the League
9 of Nations was in the hands of the Foreign Minister
10 at that time the War Minister had to agree with the
11 Foreign Minister.

12 THE PRESIDENT: By a majority the objection
13 is overruled and the document admitted on the usual
14 terms.

15 CLERK OF THE COURT: Prosecution document
16 3150-72 will receive exhibit No. 3772 for identifica-
17 tion only; the excerpt therefrom, being prosecution
18 document 3150-72A will receive exhibit No. 3772-A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution exhibit No.
21 3772 for identification, the excerpt there-
22 from being marked prosecution exhibit No.
23 3772-A and received in evidence.)

24 MR. COMYNS CARR: (Reading) "15 February 1933.
25 "A Cabinet meeting was held at 10 a.m. on the"

1 15th; a serious attitude had to be taken if /Japan/
2 were to withdraw from the League. So for the purpose
3 of clarifying opinion after giving the written advice
4 a thorough examination, and with the intention of
5 making doubly sure, the Cabinet meeting was held, and
6 Foreign Minister UCHIDA and the War Minister pressed for
7 a decision of immediate withdrawal from the League,
8 but the majority of the Cabinet members did not agree
9 to this, saying, 'After taking another look at the
10 situation at the General Meeting /of the League/. . .'"

11 THE PRESIDENT: We will recess for fifteen
12 minutes.

13 (Whereupon, at 1045, a recess was
14 taken until 1100, after which the proceedings
15 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: I now offer in evidence
5 IPS document No. 3150-75A, in rebuttal of ARAKI's
6 denial that he objected to the words "independence
7 of Manchuria" being used in the Imperial Rescript
8 because it might be inconvenient when Manchuria
9 should merge with Japan. Pages 28,383 to 28,384,
10 the whole of both pages, and 28,386, first question
11 and answer thereto.

12 THE PRESIDENT: Mr. McManus.

13 MR. McMANUS: If your Honor pleases, I
14 object to this document and call your Honor's atten-
15 tion to line 8 which states: ". . . indications that
16 a portion of the Army . . ." It does not say who
17 in the army, and without qualifying who made the
18 statements the remarks have no probative value.
19 Furthermore, if your Honor pleases, the date here
20 is the 17th of March, and the date is not in the
21 Japanese text. In view of the prosecutor's state-
22 ment, the prosecution supplies the date they assume
23 to be the date of occurrence. I consequently call
24 again to the attention of the Court the importance
25 of the production of the original document.

1 MR. COMYNS CARR: May it please your Honor,
2 with regard to the date, as I have stated before,
3 the dates unless they actually appear in the excerpt
4 are gathered from the context and put at the head of
5 the document to avoid the necessity of reproducing
6 a large amount of immaterial matter solely for the
7 purpose of identifying the date. In this particular
8 case the date appears in the immediately preceding
9 paragraph, which is otherwise irrelevant.

10 THE PRESIDENT: As to Mr. McManus's appli-
11 cation, I understand you are prepared to show the
12 defense any document of which you tender a copy --

13 MR. COMYNS CARR: Oh, yes.

14 THE PRESIDENT: -- provided you have the
15 original and the demand is made to see the original.

16 MR. COMYNS CARR: Yes, sir. With regard to
17 my friend's other objection about the vagueness of
18 the phrase, "portion of the army," the matter is
19 clarified in the last line but one where it says the
20 War Minister was persuaded against his will.

21 THE PRESIDENT: By a majority the objection
22 is sustained and the document rejected.

23 MR. COMYNS CARR: Then I shall not offer the
24 next one, IPS document 3150-77A, but I will now offer
25 IPS document 3150-85A, report relating to 13 May 1933

1 and to the attempt by SHIRATORI to bargain with
2 Foreign Minister UCHIDA regarding his transfer from
3 the post of Foreign Office Chief of Information.

4 This document is offered to contradict
5 SHIRATORI's denial on cross-examination on page
6 35,084 that he had attempted to bargain with Foreign
7 Minister UCHIDA concerning such transfer; his further
8 denial on the same page that he had offered to accept
9 a post abroad if Vice-Foreign Minister ARITA were also
10 to be sent out of the Foreign Office; and to contra-
11 dict a third denial on page 35,085 that he had
12 finally consented to go abroad as Minister provided
13 there would be no change in the policy of the Foreign
14 Office.

15 THE PRESIDENT: There is no objection.
16 Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 3150-85 will receive exhibit No. 3773 for identification
19 only. The excerpt therefrom, bearing prosecution
20 document No. 3150-85A, will receive exhibit No. 3773A.

21 (Whereupon, the document above
22 referred to was marked prosecution exhibit
23 No. 3773 for identification; and the excerpt
24 therefrom was marked prosecution exhibit No.
25 3773A and received in evidence.)

1 MR. LOGAN: May I remind the Tribunal,
2 please, that there are objections to each and every
3 one of these documents which are reserved, although
4 none is taken specifically at the time they are
5 offered.

6 THE PRESIDENT: Well, that is understood,
7 for transcript purposes, for record purposes. On a
8 review it will appear that you did object to all
9 these documents.

10 MR. COMYNS CARR: (Reading)

11 "14 May 1933.

12 "... Vice-Minister ARITA came over to
13 my place after 9:00 p. m. and made the following
14 statement: 'With the permission of the Minister,
15 a plan had been already made to change personnel,
16 sending SHIRATORI, Chief of the Publicity Bureau
17 abroad and TANI, Chief of the Asia Bureau, to Man-
18 chukuo as a Councillor. This was all ready to be
19 put into effect.

20 "In order to carry out the plan submitted
21 by the Vice-Minister, Foreign Minister UCHIDA called
22 in Bureau Chief SHIRATORI and said: "I want you to
23 go abroad either as a Minister or as a Councillor."
24 Bureau Chief SHIRATORI stated: "I will give it
25 consideration, but what do you think about sending

the Vice-Minister abroad also?"

1 "Once, a long time before that, when Bureau
2 Chief SHIRATORI was approached on the same subject,
3 he strongly objected by stating: "If I should be
4 sent out, there is no telling as to what may happen."
5 Consequently, the Foreign Minister was finally placed
6 at a complete loss. The Foreign Minister therefore
7 called me in and said: "Since SHIRATORI states that
8 if I send you abroad he will go, I want you to go out
9 as Ambassador to Great Britain or to any other country
10 that you prefer. If you accept this proposition, the
11 matter will be settled amicably." If, as regards
12 the relationship between myself and the Bureau Chief,
13 the Foreign Minister is going to take the stand that
14 in a quarrel both parties are to blame, it is utterly
15 useless for me to give him my support.
16

17 "Although I was also in an embarrassing
18 position on the previous occasion, I believed that I
19 should exert my increased efforts and have acted
20 accordingly up to this day. However, as matters
21 stand at present, it is absolutely impossible for me
22 to continue on assisting the Minister. I thought it
23 would be best, therefore, for me to resign by sub-
24 mitting my resignation before such a decision was
25 reached. . . .

1 "On the other hand, when the resignation
2 of the Vice-Minister became a reality, Bureau Chief
3 SHIRATORI seemed to feel that he had to resign also.
4 However, as the result of conferences with SUZUKI of
5 the army, Bureau Chief SHIRATORI finally said: "I
6 shall accept the post of Minister to a foreign
7 country provided that there will be no change in
8 policy." On the next day, he made his said intention
9 known to Foreign Minister UCHIDA. Foreign Minister
10 UCHIDA was overjoyed at the action of SHIRATORI.
11 He seemed to have been especially pleased when
12 SHIRATORI advised him: "Please in any case retain
13 the Chief of the Asia Bureau since he is a very
14 important figure in connection with Chinese
15 problems.""

16 I now offer in evidence IPS document No.
17 3150-101B of 11 October, 1933. This was put at
18 pages 29,511-13 and 29,560-1 to the witness KUWA-
19 SHIMA, who professed to be able to state that HIROTA's
20 opinions at this time were very different from those
21 shown in the excerpt. It is also in conflict with
22 HIROTA's public statements of his policy and state-
23 ments to Ambassador Grew. Defense exhibits 3236 at
24 pages 29,447-8 and 3237 at pages 29,451-61, especially
25 at page 29,453.

1 MR. YAMAOKA: If the Tribunal please, we
2 object to the introduction of this document. It is
3 repetitive of previous testimony in the case by way of
4 documents setting forth Japan's position and the posi-
5 tion of the Foreign Minister, and in no way adds any-
6 thing new to the case.

7 MR. COMYNS CARR: Your Honor, so far from
8 being repetitive, it is, as already pointed out, contra-
9 dictory and in our submission gives the key to HIROTA's
10 whole attitude towards relations between diplomacy and
11 war throughout his connection with this matter.

12 THE PRESIDENT: By a majority, the objection
13 is sustained and the document rejected.

14 MR. COMYNS CARR: Next I offer in evidence
15 IPS document 3150-1034, which relates to the conversatio
16 between the accused SHIGEMITSU and HARADA on 19 October
17 1933. Defense witness Admiral KONDO, Nobutake, on
18 cross-examination at page 26,690 of the transcript,
19 denied that the Navy in October 1933 did not mind abro-
20 gating the Washington Treaty and was prepared to sever
21 diplomatic relations with America and Britain if its
22 demand was denied. The prosecution offers this document
23 in contradiction of the above testimony of Admiral KONDO
24

25 THE PRESIDENT: Major Furness.

MR. FURNESS: If the Court please, defense

1 objects to this on the ground that it has no probative
2 value on any particular issue in this case. I wish to
3 point out that this document shows then Vice-Minister
4 SHIGEMITSU is merely reporting the attitude of the Navy,
5 not his own.

6 MR. COMYNS CARR: Your Honor, I agree with the
7 last statement. Nevertheless, it is very important,
8 in our submission, to get the attitude of the Navy on
9 this question of the naval treaty, which was ultimately
10 adopted by the government of which both HIROTA and
11 SHIGEMITSU were members.

12 MR. FURNESS: I wish to point out, if your
13 Honor please, that HIROTA and SHIGEMITSU were never
14 members of the same government, and that SHIGEMITSU did
15 not become a member of the government until April 1943.

16 MR. COMYNS CARR: In our submission, the Vice-
17 Minister is a member of the government although not of
18 the cabinet.

19 MR. FURNESS: I assume since Mr. Comyns Carr
20 has spoken twice I can. I submit that the members of
21 the government are the members who are members of the
22 cabinet, not vice-ministers. It would be quite a large
23 government if it included all vice-ministers.

24 THE PRESIDENT: Mr. Yamaoka.

25 MR. YAMAOKA: May it please the Tribunal, I

1 did not know that this was going to be tendered against
2 Mr. HIROTA, but if my learned friend says it is, and
3 on the ground that he states, I respectfully wish to
4 enter an objection on behalf of Mr. HIROTA and point
5 out to the Tribunal that evidence of the Japanese posi-
6 tion with regard to naval disarmament is already in
7 evidence. The official statements of the Japanese
8 Government and the replies of the foreign governments
9 in respect to this question have all been introduced
10 in the prosecution's case, in the defense case in the
11 general phases, and also in individual cases of the navy
12 men involved who are here in the dock. I respectfully
13 point out that this adds nothing new to the case. It
14 is merely repetitive to previous evidence.

15 THE PRESIDENT: A vice-foreign minister,
16 whether in the cabinet or not, should be in a position
17 to know the Navy's attitude.

18 By a majority, the objection is overruled and
19 the document admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution document
21 3150-103 will receive exhibit No. 3774 for identification
22 only. The excerpt therefrom, being prosecution docu-
23 ment No. 3150-103A, will receive exhibit No. 3774-A.

24 (Whereupon, prosecution document
25 No. 3150-103 was marked prosecution exhibit

1 No. 3774 for identification. Prosecution
2 document No. 3150-103A was marked prosecu-
3 tion exhibit No. 3774-1 and received in
4 evidence.)

5 MR. COMYNS CARR: (Reading) "19 October 1933.

6 "On the 19th I met Vice-Minister SHIGEMITSU
7 at the Foreign Ministry. Vice-Minister SHIGEMITSU seems
8 to take a pessimistic view of the whole situation. He
9 made various statements concerning the Russian problem,
10 our China policy, general disarmament, Japanese-American
11 problems and the League. He said: 'The Navy is demand-
12 ing equality in armaments; it is stressing the fact that
13 should this demand be denied, it will abrogate the Naval
14 Disarmament Treaty. In other words, /the Navy/ is
15 demanding equality in the sense of reserving the right
16 to maintain a basic minimum of armaments absolutely
17 necessary for national defense and by "abrogation of
18 the Treaty" seemed in other words to wish to insert
19 even the wording "We are prepared to risk a rupture."'"

20 I now offer in evidence IPS document No.
21 3150-109A, in rebuttal of ARAKI's refusal to confirm
22 (1) that on 5 December 1933, the Japanese cabinet dis-
23 cussed the attitude of the United States and European
24 countries towards trade matters, and, in particular,
25 tariff rates, page 28,388, last question, and page 28,389

1 down to the end of the second answer; (2) that
2 Finance Minister TAKAHASHI said that the trouble arose
3 from the assertion of the Japanese Army and Navy that
4 1935 and 1936 would be critical years and their con-
5 ducting propaganda as if Japan was on the verge of war
6 with Russia and the United States, page 28,389, second
7 question and answer thereto; (3) that TAKAHASHI said
8 there would be no such crisis, page 28,389, last
9 question and answer thereto; and (4) that he, ARAKI,
10 replied that there would be a crisis and that though
11 the military had no intention of starting a war then
12 they had to make preparations, page 28,390, both ques-
13 tions on the page and answer thereto, continuing on to
14 page 28,391.
15

16 MR. McMANUS: If your Honor pleases, I object
17 to this document, and I call the Tribunal's attention
18 to the last five words, which is a very simple sentence
19 to have cleared up. We contend that it should read:
20 "It cannot be said that there will not be a crisis."
21 When it is changed in this way, we submit that it is
22 the attitude that a War Minister should assume, and that
23 the document then would have no probative value.
24 We object to it on this ground, and also on the ground
25 that the source of the information is not given, either.

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THE PRESIDENT: Mr. Yamaoka.

1 MR. YAMAOKA: May it please the Tribunal, I
2 wish to state an objection on behalf of Mr. HIROTA al-
3 though Mr. Carr did not mention his name, in the light
4 of the fact that he is allegedly quoted here in the
5 third sentence of this document. Statements of HIROTA's
6 views have been set forth about this time in exhibit
7 3237 which is a Diet speech of January 23, 1934, and
8 appears at record 29,451 to 29,462. I also desire to
9 point out that if any record was made of the meetings
10 of the Cabinet, of which there are ample proofs already
11 in the case by way of prosecution exhibits as well as
12 defense exhibits, this is not the best evidence.
13

14 I therefore request, if the Tribunal please,
15 that this third sentence be deleted from this excerpt.

16 THE PRESIDENT: Taken by itself, it is quite
17 neutral. The ministers considered are not specified,
18 nor are the counter-measures.

19 By a majority the objection is overruled and
20 the document admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution document
22 3150-109 will receive exhibit No. 3775 for identifi-
23 cation only; the excerpt therefrom, being prosecution
24 document 3150-109A, will receive exhibit No. 3775-A.
25

(Whereupon, the document above

referred to was marked prosecution exhibit
No. 3775 for identification; the excerpt
therefrom being marked prosecution exhibit
No. 3775-A and received in evidence.)

MR. COMYNS CARR: (Reading)

"5 December 1933

"Thereupon the Domestic Policy Conference was
promptly held on the afternoon of the 5th. Nevertheless,
an ordinary Cabinet meeting was held in the morning. At
the conclusion of the Cabinet meeting, the Foreign
Minister took the floor and spoke to the effect that
'Since the countries of Europe and the United States,
from the standpoint of trade with Japan, have increased
tariffs under a unified policy against the exportation
of Japanese merchandise, and in short, are striving to-
wards placing Japan in an isolated position, I want the
Ministries concerned also to give mutual consideration
to counter-measures.' However, Finance Minister
TAKAHASHI said, 'The fact that foreign nations in unison
are taking a defensive attitude towards Japan does not
arise simply from trade relations alone. Rather, the
anti-Japanese attitude which appears in trade relations
is something that appears only on the surface. The fact
is that the Army and Navy, that is, the Japanese mili-
tarists, are claiming that 1935 and 1936 will be critical

years, and with hints that war with Russia and the United States will break out, are inciting the rural and urban districts. Such activities will have its effect abroad and at a time when European countries and the United States are trying to conduct matters as peacefully as possible and trying to avoid wars in every sense of the word, the pre-war atmosphere of Japan creates a very bad feeling in diplomacy and this is what appears in trade relations. For these reasons, the military must restrain its speech and actions. There will be no crisis in 1935 and 1936.' The War Minister, turning color, replied, "That is not true. The military has no intention of waging a war today, but we must be prepared. There will be a crisis."

THE PRESIDENT: We refer to the Language Section the part in question, Mr. McManus.

MR. COMYNS CARR: I now offer in evidence IPS document No. 3150-109B in rebuttal of ARAKI's refusal to confirm that on 9 December 1933 he and the Navy Minister issued a statement to the press denouncing a movement which was, according to them, seeking to alienate the public mind from the military, page 28,398, third and fourth questions and answers thereto.

THE PRESIDENT: Mr. McManus.

MR. McMANUS: I object to this document, if the

1 Tribunal pleases, on the ground that it is strictly a
2 conclusion of Baron HARADA. Furthermore, I again call
3 the attention of the Tribunal, the document is dated
4 December 9th concerning something that happened on the
5 following day. I therefore contend the document is
6 incomplete and we should have the Diary and the original.

7 Furthermore, it is a conclusion drawn after
8 arriving at the same from reading and quoting a news-
9 paper article.

10 THE PRESIDENT: By a majority the objection is
11 overruled and the document admitted on the usual terms.

12 CLERK OF THE COURT: Prosecution document
13 3150-109B will receive exhibit No. 3775-B.

14 (Whereupon, the document above
15 referred to was marked prosecution exhibit
16 No. 3775-B and received in evidence.)

17 MR. COMYNS CARR: (Reading)

18 "9 December 1933

19 "Since the voices of resentment from various
20 circles reflected on the military which has become ex-
21 tremely nervous, the Army and the Navy jointly issued
22 something which resembled a statement on the evening of
23 the 9th, and in the morning papers of the 10th, stated
24 their views in regard to the alienation of the public
25 from the military. Making such statements as:

1 "Generally, in connection with the budget ques-
2 tion and others, the number of those who are speaking and
3 acting to alienate the people from the military is not
4 small. For example, there are those who say that the
5 crisis of 1936 is for the ulterior purpose of propaganda
6 of the military, that in past wars, only those from the
7 lower classes were killed in action whereas among high
8 ranking officers, there were none who died in action, or
9 that the agrarian problem was sacrificed for the sake of
10 the military budget. This form of movement to alienate
11 the people from the military is an undertaking which
12 destroys the harmonious unity of the public mind which is
13 the most essential basis of national defense, and the
14 military absolutely cannot tolerate it.

15 "And repeatedly stating:

16 "Two important measures used as international
17 schemes to impair the power of a nation for national
18 defense are anti-war movements which aim at the defeat
19 of one's own country based upon instructions from the
20 Third Internationale, and the movement to alienate the
21 people from the military mentioned above. The former
22 is a well-known fact, whereas the latter, in spite of
23 the fact that various measures from abroad are becoming
24 more persistent in our country, is surprisingly unknown
25 although its evil is great because its movement is only

1 moderate and disguised.

2 "And finally issued a threatening statement which
3 declared that those who make such statements in spite of
4 the fact that the military, faced with this difficult
5 situation, had made demands for minimum national defense
6 were extremely insolent."

1 I now offer in evidence IPS document No.
2 3150-118-A to rebut KOISO's testimony that the
3 purpose of the Kokuhon-sha Society was to support
4 a proper and true understanding of the nature and
5 spirit of Japan and to prove that this society was
6 an instrument used by HIRANUMA for personal political
7 purposes.

8 The document should be read with IPS document
9 3150-2B previously admitted as exhibit 3754-B.

10 MR. WARREN: If the Tribunal please.

11 THE PRESIDENT: Colonel Warren.

12 MR. WARREN: This document is obviously
13 introduced for the purpose of, not as the prosecution
14 says, impeachment of some other testimony, but directed
15 at HIRANUMA.

16 Since obviously the document is nothing but
17 the opinion of a dead man, it invades the province of
18 this Tribunal in arriving at a conclusion based upon
19 evidence. It could not have come in the case against
20 HIRANUMA and this method has been used. His diary
21 said "Since there was a notice," and so forth, and
22 any reports which he calls facts amounts to nothing
23 but a conversation he had with Prince SAIONJI apparently
24 talking it over, and somebody was reciting.
25 He said "Therefore, since..." He might as well

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18 this Tribunal in arriving at a conclusion based upon
19 evidence. It could not have come in the case against
20 HIRANUMA and this method has been used. His diary
21 said "Since there was a notice," and so forth, and
22 any reports which he calls facts amounts to nothing
23 but a conversation he had with Prince SAIONJI apparently
24 talking it over, and somebody was reciting.

25 He said "Therefore, since..." He might as well

1 have said "Therefore, I conclude since this happened..."
2 That is what he meant."

3 If there were a definite HIRANUMA faction
4 that this person who wrote this document knew about,
5 he would not have to refer to it as a so-called HIRANUMA
6 faction. He names in addition to HIRANUMA apparently about
7 six other sources for this movement that he thinks is
8 going along.

9 In the next paragraph he refers to the
10 Kokuhonsha, and he says "...in other words the HIRANUMA
11 faction..." He states what they intend to do, but not
12 one word of evidence does he give the Tribunal to
13 back up what he thinks they intend to do.

14 He further states "...it is clear from various
15 facts that KABAYAMA..." but he doesn't recite those
16 facts. So when he says it is clear and does not recite
17 the facts he is asking the Tribunal to take the
18 opinion of the dead man; that is, the prosecution is
19 asking that.

20
21 It goes on further and then he speaks of
22 a conversation he had with the President of the Bank
23 of Chosen in which he says that this man tried to
24 impress upon him that Baron HIRANUMA was a suitable
25 candidate for the Premiership and then apparently
following that he quotes this man and the man doesn't

1 even mention HIRANUMA. It was a wild conclusion
2 to draw from any such statement as contained in here.

3 He may have had facts upon which he based
4 his conclusions, but the Tribunal is entitled to those
5 facts so the Tribunal can draw their own conclusions
6 and not be asked by the prosecution to accept the
7 conclusion of a dead man.

8 THE PRESIDENT: Captain Brooks.

9 MR. BROOKS: On behalf of KOISO I object. The
10 prosecution has stated that this document should be
11 considered with exhibit 3754-B, and when the exhibit
12 was offered they referred to the record page where
13 KOISO was asked about the Kokuhonsha. At that time
14 KOISO stated, if the Tribunal will recall, that he
15 attended one meeting to find out the purpose of this
16 organization and he did not therefore have knowledge
17 to answer the prosecution's questions as to the purposes
18 and so forth of this organization. So this cannot
19 be offered for impeachment of KOISO.

20 I object to it therefore as being immaterial
21 and irrelevant as far as having any probative value
22 in the case against KOISO, and state that we will
23 produce witnesses to show the limited extent, if it
24 is necessary, of his connections with any such
25 organization as the Kokuhonsha.

1 THE PRESIDENT: Mr. Carr.

2 MR. COMYNS CARR: Your Honor, KOISO's
3 actual statement at page 32,274 was that nobody had
4 ever explained to him the real character or nature
5 of the Kokuhonsha, but that he had read its magazine
6 and that in his opinion its purpose was as I stated
7 before, simply to support a true and proper under-
8 standing of the true nature and spirit of Japan and
9 its members.

10 THE PRESIDENT: By a majority the objection
11 is sustained and the document rejected.

12 MR. COMYNS CARR: I now offer in evidence IPS
13 document No. 3150-127A of 17 April, 1934 relating to
14 the AMAU statement which was put to the witness
15 KUWASHIMA at pages 29523-30, and especially pages
16 25928-9. It is also in conflict with HIROTA's
17 statements to the public and to Ambassadors to other
18 countries purporting to repudiate this statement.
19 For instance prosecution exhibit 937 at page 9395;
20 defense exhibits 3244 at page 29697, 3245 at pages
21 29585-7 and 3246 at pages 29587-8.

22 The material part of it is in the last para-
23 graph, your Honor. The first is merely introductory.

24 MR. YAMAOKA: If the Tribunal please.

25 THE PRESIDENT: Mr. Yamaoka.

1 MR. YAMAOKA: AMAU's statement is already
2 in evidence as prosecution exhibit 935 at record
3 page 9389. I have also checked the exhibits just
4 mentioned by my learned friend and I fail to see
5 where this document in any way contradicts the exhibits
6 that he has specified and mentioned. There is ample
7 evidence, as I stated before, in this case and I do
8 not think that this adds anything to it and has no
9 importance and has no probative value.

10 MR. FURNESS: If your Honor please, if the
11 Tribunal is to accept the document I will ask them
12 to disregard the statement by Mr. Comyns Carr that
13 the first part is not of importance.

14 THE PRESIDENT: To him.

15 MR. FURNESS: I call attention to the fact
16 that the first part indicates that neither the Vice-
17 Minister nor the Minister knew anything about the
18 issuance of the statement.

19 MR. COMYNS CARR: Your Honor, the importance
20 of this matter is two-fold. First of all, in the
21 public statements to which we have referred and in
22 the statements to the Ambassadors to which we referred,
23 HIROTA repudiated the statement altogether and said
24 it didn't represent the policy of Japan.

25 This document shows two things. In the first

1 place, that it did represent the instructions which
2 had been sent privately to the Japanese Ambassadors,
3 and, secondly, that although publicly repudiating
4 it, privately they were saying it was nothing serious.

5 MR. YAMAOKA: May it please the Tribunal, I
6 see no basis for the statements made by my learned
7 friend in the first paragraph here. If there is any
8 dispute as to that, I submit the prosecution should
9 produce those telegrams and instructions.

10 THE PRESIDENT: By a majority the objection
11 is overruled and the document admitted on the usual
12 terms.

13 CLERK OF THE COURT: Prosecution document
14 3150-127. will receive exhibit No. 3776 for
15 identification only. The excerpt therefrom, being
16 prosecution document 3150-127A, will receive exhibit
17 No. 3776-A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution exhibit No.
20 3776 for identification; the excerpt therefrom
21 being marked prosecution exhibit No. 3776-A
22 and received in evidence.)

23 THE PRESIDENT: Complete it after lunch, Mr.
24 Carr. We will adjourn until one-thirty.

25 ~~(Whereupon, at 1200, a recess was taken.)~~

AFTERNOON SESSION

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1 The Tribunal met, pursuant to adjournment,
2
3 at 1330.

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.

6 LANGUAGE ARBITER (Captain Kraft): If the
7 Tribunal please, the following language corrections
8 are submitted:

9 Reference Document No. 3150-66-A, Exhibit
10 No. 3769-A, Line 13: Insert "and such circles" between
11 the words "army" and "fear."

12 Second paragraph, line 6, delete "army" and
13 substitute "military."

14 Line 10, delete "by the army on the reason"
15 and substitute "because."

16 Line 11, delete "army" and substitute "mili-
17 tary."

18 Page 2, lines 2 and 3, delete "mumbled that
19 he would explain later or the like" and substitute
20 "said, well later on or something like that,".

21 THE PRESIDENT: Thank you, Captain Kraft.
22 Major Blakeney.

23 MR. BLAKENEY: If the Tribunal please, the
24 witness Kurt Meisner, who testified in the case of Mr.
25

1 TOGO, was in consequence of a subpoena of this Tribunal
2 retained here by SCAP from repatriation to Germany.
3 SCAP has now requested to be advised whether he can be
4 considered as released by the Tribunal notwithstanding
5 that at the conclusion of his testimony he was re-
6 leased on the usual terms. So far as I am concerned,
7 that is satisfactory. I understand that the prosecu-
8 tion, who did not cross-examine him, have no objections
9 to his being released and placed at the disposal of
10 SCAP. I suggest therefore that perhaps an order to
11 that effect will be appropriate.

12 THE PRESIDENT: Does the prosecution want him
13 further?

14 MR. COMYNS CARR: Your Honor, I personally
15 know nothing about it, but my friend tells me he has
16 consulted the appropriate member of our staff. I
17 accept that assurance and therefore have no objection.

18 THE PRESIDENT: He may now be repatriated.

19 Mr. Comyns Carr.

20 MR. COMYNS CARR: I will now read exhibit 3776-A.

21 "17 April 1934.

22 "... And since he (AMAU) made an informal
23 statement on the situation to the said effect, the
24 various newspapers printed it conspicuously as a
25 declaration or some such thing of the Foreign Ministry.

And the comments of the various countries in regard to
1 this were very strong, so that the Foreign Ministry
2 was also somewhat taken aback. Actually, the Vice Minis-
3 ter and Minister knew nothing of this. In actuality,
4 since various countries were selling arms and doing
5 various other things in China a strong feeling of
6 insecurity arose, so the Foreign Ministry sent instruc-
7 tions to the Ministers stationed overseas, the so-
8 called Ambassadors and Ministers. Then the Chief of
9 the Information Bureau translated into his own English
10 the contents of the said official instructions and he
11 gathered the foreign correspondents and blabbed some-
12 thing to them that became the cause of all the trouble.
13 I heard later that it would have been better to have
14 shown the English translation of the official instruc-
15 tions instead of his own translation.

17 "Chief of the Information Bureau AMAU has al-
18 ways been a very fine man, but since he is somehow
19 careless in some ways we have not had much contact
20 with him. After that I went to the Foreign Ministry
21 and met the Minister and Vice-Minister and asked them,
22 but it seems that they were not greatly worried about
23 the matter, and on the surface the Minister and Vice-
24 Minister said: 'It is nothing serious.'"

25 Your Honor, the next one on the list, having

regard to a ruling this morning, I shall not offer.

1 That is No. 127-B.

2 I now offer in evidence IPS document No.
3 3150-148A in rebuttal of ARAKI's denial that he was
4 always in favor of the annexation of Manchuria, page
5 28,386. the second and third questions and answers
6 thereto.

7 THE PRESIDENT: Mr. McManus.

8 MR. McMANUS: If the Tribunal pleases, we
9 object to the introduction of this document. The
10 premier referred to in this document is OKADA Keisuke,
11 who took the stand here for the prosecution. The prose-
12 cution had ample opportunity of confirming the credi-
13 bility of this statement through him. Both ARAKI and
14 MASAKI, also referred to in this statement, took the
15 stand sometime ago and the prosecution could have
16 cross-examined them on this allegation when they testi-
17 fied to the contrary. The prosecution at that time,
18 however, did not trouble to do so, and now introduces
19 this document in this dubious form.

20
21 Besides the usual and general objections, we
22 object to this document on the ground that this is not
23 the best evidence, and request that the document be
24 rejected.

25 MR. COMYNS CARR: May it please the Tribunal,

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23 the best evidence, and request that the document be
24 rejected.

25 MR. COMYNS CARR: May it please the Tribunal,

1 with regard to OKADA, if we had known about this
2 matter before he was called, no doubt we should have
3 asked him about it, or if when he was called on several
4 occasions for the defense he had given any evidence
5 which would have lent himself to such cross-examina-
6 tion, we should have cross-examined him about it.

7 With regard to ARAKI himself, he was cross-
8 examined about it, as I have already stated, at page
9 28,386.

10 With regard to MASAKI, I am afraid I don't
11 remember whether he was cross-examined about it or not
12 or whether he gave any evidence which would have rendered
13 such cross-examination admissible. But in my submission
14 it is sufficient that ARAKI was in fact cross-examined.

15 THE PRESIDENT: By a majority the objection is
16 overruled and the document admitted on the usual
17 terms.

18 CLERK OF THE COURT: Prosecution document
19 3150-148 will receive exhibit 3777 for identification
20 only, and the excerpt therefrom, being prosecution
21 document 3150-148A, will receive exhibit No. 3777-A.
22

23 (Whereupon, the document above re-
24 ferred to was marked prosecution exhibit 3777
25 for identification; the excerpt therefrom being
marked prosecution exhibit 3777-A and received

1 in evidence.)

2 MR. COMYNS CARR (reading): "11 September
3 1934.

4 "Next, when I also talked to the Premier, he
5 too said, 'I didn't think it was so serious until
6 now. However, it is extremely dubious. Actually,
7 after the War Minister returned from my place yester-
8 day, the 1st Division Commander in question, Lt.
9 General YANAGAWA, stayed constantly in the War Minis-
10 ter's room. The reason for this is, the faction com-
11 posed of ARAKI, MASAKI, and YANAGAWA was always in
12 favor of the annexation of Manchuria. On the one hand,
13 they wish to carry out actively their will to the end
14 and on the other hand, they believe that it is a very
15 good reason for overthrowing the Cabinet..."

16 I now offer in evidence IPS document 3150-148B
17 of 7 September, 1934, a statement by HIROTA with re-
18 gard to the Washington Naval Treaty. This is offered
19 in contrast with the statements in HIROTA's speech on
20 this subject, exhibit 3247, pages 29,591-3, and con-
21 firms the admission of Admiral KONDO at page 26,688
22 in contrast with his direct evidence at pages 26,662-3.
23
24
25

THE PRESIDENT: Mr. Yamaoka.

1 MR. YAMAOKA: May it please the Tribunal, we
2 object to the introduction of this document on the
3 ground that it is amply covered by exhibit 3247 which
4 Mr. Carr has just mentioned. I quote just one short
5 sentence from that exhibit, record 29,592:
6

7 "The Washington Treaty of Naval Limitation of
8 1922 having now become incompatible with our basic
9 policy, our government notified the government of the
10 United States on December 29 last year of Japan's in-
11 tention to terminate that treaty in accordance with its
12 provisions."

13 I fail to see any contradiction in this ex-
14 hibit and the proposed exhibit. Although I do not think
15 it necessary, I remind the Tribunal that there is
16 ample evidence already in the case on this subject
17 that --

18 THE PRESIDENT: There is no evidence of this
19 particular attitude, not to my recollection.

20 MR. YAMAOKA: Yes, if your Honors please, I
21 believe you will recall that Japan opposed the ratio
22 system and suggested a common upper limit.

23 THE PRESIDENT: That is clear, yes. If you
24 look at the last two sentences you will see what I mean.
25

MR. YAMAOKA: Well, the Washington treaties,

1 if your Honors please, were based on the ratio system,
2 and Japan's position was that those ratios were not suf-
3 ficient to maintain her armament equality in the Far
4 East, and therefore suggested the common upper limit.

5 I suggest that this is repetitive, has no
6 probative value, and is not of any importance in the
7 light of other evidence.

8 THE PRESIDENT: By a majority the objection is
9 overruled and the document admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution document
11 3150-148B will receive exhibit No. 3777-B.

12 (Whereupon, the document above
13 referred to was marked prosecution exhibit
14 No. 3777-B and received in evidence.)

15 MR. COMYNS CARR (reading): "7 September 1934.

16 "... I met the Foreign Minister and the
17 Premier on the following morning and reported that I
18 had transmitted the armament draft to the Prince.
19 I said: 'The Prince was inquiring whether the Washing-
20 ton Treaty was going to be abrogated even if Japan's
21 proposals should happen to be accepted.' The Foreign
22 Minister and the Premier thereupon both said: 'The
23 long and short of it is that in the draft we have utterly
24 opposed a ratio. Therefore we must abrogate it no
25 matter how much the other Powers agree to our proposals.

We are taking an unconditional stand.'")

1 I now offer in evidence IP# document No. 3150-
2 174A, relating to 7 June 1935, and the dispute which
3 led to the Ho-UMEZU agreement. MINAMI denied knowledge
4 of this at page 19,981.
5

6 I was also proposing to offer document 174-B
7 at the same time, but that has since been introduced
8 by the defense and is now exhibit 3693, so I do not
9 offer it today.

10 THE PRESIDENT: Major Blakeney.

11 MR. BLAKENEY: I object to this tender. This
12 document is merely the statement of HARADA as edited,
13 of what the premier told him was the general effect of
14 what the Vice-Minister of War told him. I submit that
15 not only can it in such circumstances have no probative
16 value, but that in view of the utter impossibility of
17 knowing who said what, that it is not important and
18 should be rejected.
19

20 MR. BROOKS: Objection on behalf of MINAMI,
21 that it is immaterial.

22 MR. COMYN-CARR: With regard to the last ob-
23 jection, MINAMI professed to know all about this matter
24 but when cross-examined denied that he had heard of
25 these terms.

With regard to my friend Mr. Blakeney's objec-

1 tion, the document has precisely the same degree of
2 probative value as the document which he himself
3 tendered, exhibit 3693, relating to the same matter,
4 and exhibit 3693 is not fully intelligible without
5 this previous entry.

6 MR. BLAKENEY: I should just like to say, if
7 permitted, that the prosecution did not object to the
8 tender of the document to which Mr. Comyns Carr has re-
9 ferred.

10 MR. COMYNS CARR: No, we did not.

11 THE PRESIDENT: By a majority the objection is
12 sustained and the document rejected.

13 MR. COMYNS CARR: I offer in evidence IPS
14 document 3150-180A which relates to 21 August 1935,
15 and in particular a conversation between the accused
16 SHIGEMITSU and HARADA on this date. Defense witness.
17 Admiral KONDO, Nobutake, on cross-examination at page
18 26,685 of the transcript denied that the Japanese Navy
19 wanted to be unrestricted by armament treaties with
20 foreign nations and also stated, at page 26,688, that
21 the Japanese Navy did not act with the ideas or intentions
22 mentioned by SHIGEMITSU in his conversation with HARADA.
23 The prosecution offers this document in contradiction
24 of the above testimony of Admiral KONDO, and also, I
25 should say, by reason of the last sentence as throwing

1 light on the attitude of SHIGEMITSU.

2 THE PRESIDENT: Major Furness.

3 MR. FURNESS: If your Honor please, I need not
4 point out, since Mr. Carr has already done so, that
5 this shows Mr. SHIGEMITSU relating the attitude of the
6 navy and not his own attitude except in so far as he
7 states that he wishes to avoid any trouble with Great
8 Britain and the fear that the attitude taken might re-
9 sult in such trouble; that he wishes to avoid Japan be-
10 ing placed in the responsibility of causing a failure
11 of the disarmament conference. I do not see how the
12 last sentence can throw any light on that, and wish in
13 that connection to call attention to direct examination
14 by me of Admiral KONDO on page 26,698 of the record.

15 I do wish to refer that last sentence to the
16 Language Section, but will not bother the Court with
17 that now.

18 MR. COMYN- CARR: My friend omitted the im-
19 portant words in the last sentence when he purported to
20 quote, namely, the words, "I would like to wrap this
21 proposal of the navy in a pretty cloth . . ."
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1 MR. FURNESS: Whatever that means I leave
2 to the Language Section. A pretty cloth is a furoshiki
3 which anybody who has been in this courtroom has seen
4 many times.

5 MR. COMYNS CARR: And as to Admiral KONDO,
6 he was cross-examined about this very matter which was
7 in conflict with his evidence in chief and he denied
8 it.

9 THE PRESIDENT: By a majority the objections
10 are overruled and the document admitted on the usual
11 terms.

12 CLERK OF THE COURT: Prosecution document
13 No. 3150-180 will receive exhibit No. 3778 for identi-
14 fication only; the excerpt therefrom being prosecution
15 document 3150-180A will receive exhibit No. 3778-A.

16 (Whereupon, prosecution document
17 No. 3150-180 was marked prosecution exhibit
18 No. 3778 for identification; the excerpt there-
19 from, being prosecution document 3150-180A, was
20 marked prosecution exhibit No. 3778-A and
21 received in evidence.)

22 MR. COMYNS CARR: (Reading) "21 August 1935.

23 "Then I went to the Foreign Office and met
24 Vice Minister SHIGEMITSU. He /SHIGEMITSU/ said:
25 'Great Britain has proposed a plan for disarmament.

1 She proposed "qualitative limitation of armament";
2 however, the Navy is opposing it, saying that: "It
3 is meaningless to limit the quality /of armament/
4 without limiting the quantity." The attitude of the
5 Navy seems to be that "it is to our advantage, never
6 in future to accept limitations from other countries."
7 The Navy is very touchy on this matter.

8 "However, looking at the situation as it
9 may develop other countries would place the responsi-
10 bility of the failure of the Disarmament Conference on
11 Japan, so this problem has to be treated delicately.
12 Definitely, Japan would have to make a difficult
13 proposition which I fear might disrupt the entire
14 relationship with Great Britain. I would like to wrap
15 this /proposal of the Navy/ in a pretty cloth and try
16 to avoid any trouble," emphatically stated SHIGEMITSU."

17 I now offer in evidence IPS document No. 3150-
18 189A, a statement by HIROTA on 30 November 1935 about
19 the independence movement in North China which was
20 denied by the witness KUWASHIMA at pages 29,534-5.

21 THE PRESIDENT: Mr. Yamaoka.

22 MR. YAMAOKA: If the Tribunal please, I don't
23 see that there is any reference to any independence
24 movement in Mr. HIROTA's words, or quoted words here.
25 It is such a trivial matter that I will not press the

objection, if your Honor please.

1 THE PRESIDENT: Captain Brooks.

2 MR. BROOKS: I have no objection as far as
3 General MINAMI is concerned; merely to show that he
4 was saying that he would carry out orders of the
5 Emperor if he had to.

6 THE PRESIDENT: There is no need to state
7 you have no objection.

8 Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution document
10 3150-189 will receive exhibit No. 3779 for identifi-
11 cation only; the excerpt therefrom being prosecution
12 document No. 3150-189A will receive exhibit No. 3779-A.
13

14 (Whereupon, prosecution document
15 No. 3150-189 was marked prosecution exhibit
16 No. 3779 for identification; the excerpt
17 therefrom, prosecution document No. 3150-189A,
18 was marked prosecution exhibit No. 3779-A
19 and received in evidence.)

20 MR. COMYNS CARR: (Reading) "I met the
21 Foreign Minister on the 2d. He told me: 'There is
22 no need to worry so much about the situation in North
23 China. General MINAMI has clearly told me: 'In the
24 event of ever dispatching troops south of Shanhaikuan
25 it would naturally be based upon an Imperial command.

1 Troops will definitely not be sent south of Shanhaikuan
2 as long as there is no Imperial command to do so." If
3 this secret information were to leak out to China,
4 they would start slighting us and begin doing all
5 sorts of things. On the other hand, if the military
6 faction of Japan were to find out that the secret had
7 leaked out to China, they would act all the more
8 strongly. I believe that this would be extremely
9 dangerous."

10 I now offer in evidence IPS document
11 No. 3150-191A, in rebuttal of ARAKI's refusal to
12 confirm that his peerage was requested on his behalf
13 by the then War Minister in 1935 on the ground that
14 he was the person mainly responsible for the victory
15 in the Manchukuo Incident (page 28,323 from first
16 question to end of page) and that the young officers
17 would not be satisfied unless he received it (pages
18 28,324 and 28,325, whole of both pages, and page
19 28,326, ending at beginning of first question).

20 THE PRESIDENT: Mr. McManus.

21 MR. McMANUS: If your Honor please, I object
22 to the document, and particularly the interpretation
23 placed upon the words, "General ARAKI is the person
24 who rendered the most distinguished services in the
25 Manchurian Incident." The interpretation placed upon

1 these words, of course, by the prosecutor, I mean.
2 ARAKI's distinguished services in the Manchurian
3 Incident cannot be considered as distinguished ser-
4 vices in executing the Manchurian Incident. On the
5 contrary, it may be his distinguished services in
6 extinguishing or putting an end to it.

7 THE PRESIDENT: That is why the young
8 officers wanted him to get a peerage.

9 MR. McMANUS: Well, your Honor, I render my
10 formal objection to the document on the grounds already
11 stated, the general grounds to the entire HARADA diary.

12 THE PRESIDENT: Mr. Comyns Carr.

13 MR. COMYNS CARR: I have nothing more to say,
14 your Honor.

15 THE PRESIDENT: By a majority the objection
16 is sustained and the document rejected.

17 MR. COMYNS CARR: I now offer in evidence
18 IPS document 3150-192A, a statement by HIROTA on
19 27 December 1935 about negotiations with China which
20 was denied by the witness KUWASHIMA at pages 29,553-6.

21 THE PRESIDENT: Mr. Yamaoka.

22 MR. YAMAOKA: If the Tribunal please, this
23 matter has been covered in exhibit 3254, record 29,625;
24 exhibit 3255, record 29,629; exhibit 3256, record
25 29,632; and exhibit 2434, record 19,728. I respectfully

1 submit that this adds nothing new to the case, is
2 repetitive, is not important, and has no probative
3 value.

4 MR. COMYNS CARR: Your Honor, no doubt the
5 subject has been covered in a sense in a number of
6 defense documents and one affidavit, to my recollection,
7 that of KUWASHIMA, purporting to show that at this
8 time HIROTA was earnestly pressing a complete settle-
9 ment of all outstanding questions with China. This
10 document sheds an entirely different light upon the
11 matter.

12 THE PRESIDENT: By a majority the objection
13 is sustained and the document rejected.

14 MR. COMYNS CARR: I next offer in evidence
15 IPS document No. 3150-224A, a statement by HIROTA as
16 Premier on 12 December 1936 about possible military
17 operations in the Sui Yauan area to be contrasted
18 with the evidence of KUWASHIMA, to whom it was put,
19 at pages 29,556-60.

20 THE PRESIDENT: Mr. Yamaoka.

21 MR. YAMAOKA: May it please the Tribunal, I
22 desire to state that an excerpt from Ambassador Grew's
23 diary, bearing defense document No. 206-C3, was offered
24 in evidence on Mr. HIROTA's case as well as in another
25 phase of the defense case at record pages 23,181 and

1 29,655, and in both instances the tender was rejected
2 by this Tribunal. These excerpts that we offered
3 dealt with the China situation and many of such ex-
4 cerpts from Mr. Grew's book, "Ten Years in Japan,"
5 were rejected. I submit that this excerpt from the
6 SAIONJI-HARADA Memoirs certainly does not stand on
7 any footing of authority such as that of Ambassador
8 Grew and if rejected there, should be rejected here.

9 MR. COMYNS CARR: Your Honor, I fail to see
10 the point of that objection. Many entries from
11 Mr. Grew's diary were admitted where they contained
12 relevant statements of fact; many others were rejected
13 where they did not. This is an actual statement by
14 HIROTA himself.

15 THE PRESIDENT: What do you say is the
16 meaning of the last sentence?

17 MR. COMYNS CARR: That relates to another
18 matter actually from the first part, I think. Prince Te,
19 according to the prosecution evidence, was a puppet
20 set up by the Kwantung Army in Inner Mongolia, and what
21 he means is that, as Prince Te has been in communication
22 with the Central Chinese Army, he thought that there
23 probably would not be any serious fighting, as I under-
24 stand it.
25

Does the Tribunal desire me to say anything

further?

1 THE PRESIDENT: I will announce the decision
2 presently.

3 By a majority the objection is sustained
4 and the document rejected.

5 MR. COMYNS CARR: I now offer in evidence
6
7 IPS document No. 3150-240A of 7 June 1937 to show
8 that HIROTA became Vice Premier in the first KONOYE
9 Cabinet as well as Foreign Minister and President of
10 the Planning Board contrary to the statement of the
11 witness INO at page 29660.

12 THE PRESIDENT: Mr. Yamaoka.

13 MR. YAMAOKA: May it please the Tribunal,
14 this purported tender states "as if of a Vice Premier,"
15 and I respectfully submit that there was no such
16 office in existence at that time. I therefore submit
17 that the document is unimportant and has no probative
18 value.

19 THE PRESIDENT: By a majority the objection
20 is sustained and the document rejected.
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1 I now offer in evidence IPS document No.
2 3150-244A, an excerpt relating to 12th July, 1937
3 with regard to the decisions taken immediately after
4 the Marco Polo Bridge Incident. This matter was dealt
5 with in the affidavit of witness HORINOUCHI, exhibit
6 3260 at pages 29,684-6 and in cross-examination at
7 pages 29,750-58, and, I should add, where the witness
8 partially accepted but mainly rejected the matters
9 put to him from this document.

10 MR. YAMAOKA: We have no objection on behalf
11 of HIROTA, if your Honors please.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution document
14 3150-244 will receive exhibit No. 3780 for identifi-
15 cation only; the excerpt therefrom, being prosecution
16 document No. 3150-244A, will receive exhibit No. 3780A.

17 (Whereupon, prosecution document
18 No. 3150-244 was marked prosecution exhibit
19 No. 3780 for identification; and the ex-
20 cerpt therefrom, prosecution document No.
21 3150-244A, was marked prosecution exhibit
22 3780A and received in evidence.)

23 MR. COMYNS CARR: (Reading)

24 "12 July 1937.

25 "Then the War Minister determined to rescue

1 the five thousand men at Tientsin, declared at a
2 Cabinet meeting, 'This time I definitely would like
3 to have troops sent out.' Then Premier KONOYE said,
4 'I do not want to expand the issue. It may be all
5 right to despatch troops according to necessity.'
6 In this way, he agreed with the War Minister, but he
7 added, 'If we oppose the dispatching of troops at
8 this time and do not heed the wishes of the Army,
9 the War Minister will be compelled to resign. Conse-
10 quently, the Cabinet will have to resign, also. If
11 I resign, somebody will eventually have to accept this
12 position, but as there may be no one who can possibly
13 check the Army, there is no other way then for me to
14 assume the responsibility and confront the issue.'
15 Thus, Premier KONOYE made an extremely touching deci-
16 sion.

17 "Then the War Minister finally stated that he
18 would definitely 'not expand the issue.' His Majesty
19 received in audience His Imperial Highness, the Chief
20 of the General Staff, twice, and His Imperial Highness,
21 the Chief of the Naval General Staff, once. The War
22 Minister said that he would settle the issue neatly
23 by sending a large force to smash the opposition and
24 then withdraw quickly, but when asked, 'Can you carry
25 it out as expected?', the War Minister was not able to

1 give a definite answer. Such is what the Lord Keeper
2 of the Privy Seal told me.

3 "On the afternoon of the 12th, a report came
4 saying that the Chinese Army would accept all our de-
5 mands. Prior to that, when the Lord Keeper of the
6 Privy Seal and the War Minister were talking, an
7 adjutant came and said, 'A telegram has come from
8 Tientsin saying "Accepted all our demands." It is
9 a very sincere answer.' It is probable that the War
10 Minister did not want to hear this report in front of
11 the Lord Keeper of the Privy Seal, but it actually
12 happened.

13 "These demands were, the withdrawal of
14 troops, guarantee of the future, and the punishment
15 of responsible officers. The officers of the Chinese
16 Army are justifying themselves by saying, 'The troops
17 are being influenced by the Communists.'

18 "In the Army even the General Staff Headquart-
19 ers thought, 'Let us make an agreement' was probably a
20 Chinese attempt to make us stop our military prepara-
21 tion. Thus, it seems that the Army, as long as it
22 has decided to despatch troops, wants to put forth
23 more stringent demands."

24 I now offer in evidence IPS document No.
25 3150-247A of 29 July, 1937 relating to a petition by

1 MINAMI and UYEDA, the sending of which MINAMI denied
2 at pages 20,007-8, and I should add, UYEDA denied it
3 also.

4 THE PRESIDENT: Captain Brooks.

5 MR. BROOKS: I wish to enter the same type
6 of objection that the prosecution did to documents
7 similar to this where they are talking of a petition
8 or movement which is not in evidence; in other words,
9 when we had witnesses on the stand, I was required
10 to bring forth the original telegrams so they could
11 testify as to its contents. Here the prosecution is
12 adverting to that by hearsay evidence. My objection
13 is this has, therefore, no probative value, and that
14 the prosecution, knowing that the original telegrams
15 in many instances have been destroyed and burned or
16 lost, that all that have been available have been
17 brought before the Tribunal, this advantage should
18 not be given them when it was not given the defense.

19 THE PRESIDENT: This is not offered to prove
20 the contents of the petition, obviously. We should
21 have the petition, of course, if it is available.

22 MR. COMYNS CARR: The man who should know,
23 namely, MINAMI, has said that there never was one,
24 I am merely offering it to prove that he is not
25 speaking the truth.

1 MR. BROOKS: I submit that, if there was a
2 written petition, it should be produced rather than
3 something in the nature of an official character
4 that shows there was such a petition before it is
5 accepted as impeachment evidence. HARADA would not
6 have been able to make this statement in an affidavit,
7 and he should not be able to as a person preparing
8 this document for the purpose of writing a book.

9 MR. COMYNS CARR: Your Honor, in my submission
10 this is on quite a different footing. This is a con-
11 temporary statement made by one alleged conspirator,
12 namely KONOYE, by another, namely MINAMI.

13 THE PRESIDENT: By a majority, the objections
14 are sustained and the document rejected.

15 MR. COMYNS CARR: I now offer in evidence
16 IPS document No. 3150-249A relating to 13 August, 1937
17 regarding a conversation between HARADA and HIROTA
18 about the Shanghai Incident which was denied by the
19 witness HORINOUCI at page 29,764-6.

20 THE PRESIDENT: Mr. Yamaoka.

21 MR. YAMAOKA: May it please the Tribunal,
22 the subject matter covered by this tender is contained
23 in defense exhibits 3280, record 29,934; exhibit
24 3180A-D, 29,935; and also in the OKAMOTO affidavit,
25 defense exhibit 3274, record 29,916; and in the

HORINOUCI affidavit, exhibit 3260, record 29,682.

I particularly refer the Tribunal to exhibit 3260, the affidavit of HORINOUCI, which deals with this subject, and desire to point out that there does not appear to be any contradiction. At record 29,766, when he was asked about this subject matter, the witness HORINOUCI merely stated that he could not recall.

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1 Now, further, I should like to state that
2 this tender purports to give the contents of a message
3 sent by Consul-General OKAMOTO. The best proof is the
4 original of that message and I respectfully submit that
5 the defense has also been required to submit the originals
6 rather than to prove the content of such documents in
7 this manner.

8 In the fourth line from the bottom there is
9 ostensibly an omission but in our submission a very
10 important omission, and if it is to be admitted I
11 respectfully request that the matter be referred to the
12 Language Section.

13 THE PRESIDENT: It is referred accordingly.
14 Mr. Comyns Carr.

15 MR. COMYNS CARR: Is the document then admitted,
16 your Honor?

17 THE PRESIDENT: It is to be referred if it is.
18 Subject to being referred.

19 MR. COMYNS CARR: Yes.

20 THE PRESIDENT: If it is admitted it is subject
21 to being referred.

22 MR. COMYNS CARR: May it please the Tribunal --

23 THE PRESIDENT: By a majority the objection is
24 overruled and the document admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution document

1 3150-249 will receive exhibit No. 3781 for identification
2 only; the excerpt therefrom, being prosecution document
3 3150-249A, will receive exhibit No. 3781-A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution exhibit No.
6 3781 for identification, the excerpt there-
7 from being marked prosecution exhibit No.
8 3781-A and received in evidence.)

9 MR. COMYNS CARR: (Reading) "13 August 1937

10 ". . . . When I /HARADA/ met the Foreign
11 Minister that afternoon, he said:

12 "'However, the previously mentioned Shanghai
13 Incident broke out. There are individuals in China
14 and Japan, who are saying: "The reasons for the assas-
15 sination of Lt. (jg) OYAMA, and the rousing of con-
16 siderable excitement in Shanghai, are the increased
17 number of Japanese warships, and the increasing of the
18 number of Japanese marines to 3,000." However, under
19 such circumstances, the increase of personnel is only
20 natural, and I believe it was actually inevitable.
21 From Consul General OKAMOTO a message came saying: "If
22 it can be done I would like to see Shanghai kept free
23 of the devastation of war." It was not good that Japan
24 increased the number of warships as I mentioned before,
25 but that could not be helped. . . . If we should announce

1 the issuing of the mobilization order, then the situ-
2 ation will become troublesome. So, at yesterday's
3 Cabinet meeting, it was decided that the mobilization
4 orders will be issued, but not announced. . . ."

5 I now offer in evidence IPS document No. 2150-
6 250A, statement by HIROTA on 24 September 1937 which
7 was put to but not definitely accepted by the witness
8 HORINOUCI at page 29,766.

9 THE PRESIDENT: Mr. Yamaoka.

10 MR. YAMAOKA: May it please the Tribunal:

11 The witness HORINOUCI did not deny this at
12 record 29,766. In answer to one of Mr. Carr's questions
13 quoting in substance this document 250A the witness
14 stated that he had no recollection in one place, and
15 in another as to the mobilization of the four divisions
16 and to have another four divisions in readiness the
17 witness stated, "I think there was something to that
18 effect."

19 I respectfully submit that it is not an
20 impeachment of anyone or any contradiction of anyone,
21 and, in any event, if the decision of the cabinet is
22 to be proved the best evidence would be the record of
23 the decisions and it shouldn't be proved in this manner.

24 MR. COMYNS CARR: May it please the Tribunal,
25 there are no complete records of cabinet decisions. Only

occasionally have we been able to find some.

1 THE PRESIDENT: By a majority the objection
2 is overruled and the document admitted on the usual
3 terms.

4 CLERK OF THE COURT: Prosecution document
5 3150-250 will receive exhibit No. 3782 for identifica-
6 tion only; the excerpt therefrom, being prosecution
7 document 3150-250A, will receive exhibit No. 3782-A.
8

9 (Whereupon, the document above re-
10 ferred to was marked prosecution exhibit No.
11 3782 for identification, the excerpt there-
12 from being marked prosecution exhibit No.
13 3782-A and received in evidence.)
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MR. COMYNS CARR: (Reading) "24 September 1937

1 ". . .I then visited the Foreign Minister at
2 the Foreign Ministry. The Foreign Minister said: 'It
3 was decided at today's Cabinet meeting to mobilize four
4 divisions and to have another four divisions in readi-
5 ness.' . . ."

6
7 I now offer in evidence IPS document 3150-
8 251A, being a statement by KONOYE about 26th September
9 1937, as to the terms which HIROTA had quoted to the
10 British Ambassador as his personal views on a possible
11 peace with China, which was put to but only partially
12 accepted by the witness HORINOUCI at pages 29,766-70.

13 THE PRESIDENT: Mr. Yamaoka.

14 MR. YAMAOKA: May it please the Tribunal: I
15 respectfully submit that this is not in contradiction of
16 any statement made by the witness HORINOUCI and is not
17 an impeachment of his testimony. As my learned friend
18 has mentioned, this subject was covered at record
19 29,766 and also at 29,740 to 742. I also invite the
20 Tribunal's attention to exhibit 3716-B which is Mr.
21 Grew's affidavit.

22 I respectfully submit that in the light of
23 the record this document is not important and has no
24 probative value.

25 THE PRESIDENT: Isn't what passed between

1 HIROTA and the English Ambassador already in evidence?

2 MR. COMYNS CARR: Your Honor, the witness
3 HORINOUCI in his affidavit purported to give an ac-
4 count of that matter. It differs from this account in
5 important respects although it coincides with it in some
6 respects, and he was asked about all these terms and
7 said he didn't remember them but that his account given
8 in his affidavit was correct. I am tendering this
9 document to show HIROTA's own account of the conversa-
10 tion between him and the British Ambassador in contrast
11 with the account given on his behalf by the witness
12 HORINOUCI who wasn't there.

13 MR. YAMAOKA: May it please the Tribunal: I
14 should like to point out that at record 29,767 this
15 proposed exhibit, the words of Foreign Minister HIROTA
16 were practically quoted verbatim to the witness
17 HORINOUCI, and he merely answered "I cannot acknowledge
18 the fact that the expression is correct or accurate,
19 word for word."

20 Further, in response to the Tribunal's inquiry
21 as to the negotiations between Sir Robert Craigie and
22 Mr. HIROTA, I submit that there is already evidence in
23 the case dealing with that and are contained in the
24 interrogatories to Sir Robert Craigie.

25 THE PRESIDENT: By a majority the objection is

overruled and the document admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution document
2 3150-251 will receive exhibit No. 3783 for identifica-
3 tion only; the excerpt therefrom, being prosecution
4 document No. 3150-251A, will receive exhibit No. 3783-A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution exhibit No.
7 3783 for identification, the excerpt therefrom
8 being marked prosecution exhibit No. 3783-A and
9 received in evidence.)

10 MR. COMYNS CARR: (Reading) "About 26 Sept-
11 ember 1937

12 "The Premier relayed the following informa-
13 tion: 'The English Ambassador came three times to
14 Foreign Minister HIROTA's place and said: "I believe
15 the British Government will try to persuade Chiang
16 Kai-shek, but what are Japan's demands anyway?" For-
17 eign Minister HIROTA replied: "This is my personal
18 idea, but according to my plan. / (1) I would draw a
19 line in the area slightly south of Tientsin and Peiping
20 line and would make it a demilitarized zone and both
21 Japanese and Chinese as a general rule will not station
22 troops in this area; (2) the recognition of Manchuria;
23 (3) ceasing of anti-Japanese movements; (4) defense
24 against Communism; (5) equal diplomatic opportunity in
25

1 North China./ It is said that the demands of these
2 five conditions were given to the English Ambassador."'"

3 THE PRESIDENT: We will recess for fifteen
4 minutes.

5 (Whereupon, at 1445, a recess was
6 taken until 1500, after which the proceedings
7 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: Your Honor, I think now
5 I have to read exhibit 3783A. I didn't read it.

6 THE PRESIDENT: No, you have not read it.

7 MR. COMYNS CARR: No, I thought not, your
8 Honor.

9 THE PRESIDENT: I think you read it.

10 MR. COMYNS CARR: Yes, your Honor, I did
11 read it, but my friend, Mr. Yamaoka, asks me to
12 point out: In it your Honor will see in the 5th
13 line a stroke and in the last line but one a stroke.
14 Those should not be there. They are ordinarily put
15 there for the purpose of indicating that what is
16 between them is a translator's note. Actually it
17 isn't, of course. It is part of the text.

18 I now offer in evidence IPS document
19 No. 3150-254A, an account by HIROTA on 2 November
20 1937 of a talk he had given to certain industrialists
21 about relations with Britain which was put to and in
22 the main denied by the witness HORINOUCI at pages
23 29,793-4. This is the document in which he is recorded
24 to have said, "At the end we may have to fight
25 England," which was put to HORINOUCI and he denied.

THE PRESIDENT: Mr. Yamaoka.

1 MR. YAMAOKA: May it please the Tribunal,
2 I am not going to object to this document, but do
3 desire to request permission of the Tribunal to
4 introduce later in surrebuttal additional excerpts
5 which will clarify these statements.
6

7 THE PRESIDENT: We cannot make terms with
8 you now about it, Mr. Yamaoka.

9 MR. YAMAOKA: Well, I just wish to state
10 for the record that I do desire to introduce addi-
11 tional excerpts.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution document
14 No. 3150-254 will receive exhibit No. 3784 for
15 identification; and the excerpt therefrom, being
16 prosecution document No. 3150-254A, will receive
17 exhibit No. 3784A.

18 (Whereupon, prosecution document
19 No. 3150-254 was marked prosecution exhibit
20 No. 3784 for identification; and the excerpt
21 therefrom bearing document No. 3150-254A was
22 marked prosecution exhibit 3784A and received
23 in evidence.)

24 MR. COMYNS CARR: On this copy again, your
25 Honor, there are two strokes which should not be there.

(Reading) "2 November 1937.

1 ". . . and then when I visited the Foreign
2 Minister and questioned him about various problems,
3 the Foreign Minister said that when he invited the
4 industrialists to tea yesterday, he stated to the
5 effect that: 'This anti-British movement is very
6 embarrassing at present. Especially at present,
7 there is no other country besides England who would
8 act as an intermediary between Japan and China.
9 Therefore, if such things are done now, the govern-
10 ment will be placed in a very awkward position. In
11 the end we may have to fight England. Or, we may
12 also have to collide with her sometime, but such
13 things are absolutely out of the question right now.
14 Especially, from the diplomatic point of view, the
15 government will be greatly inconvenienced if such
16 things are to be carried out at present.'"

17
18 THE PRESIDENT: That seems to be wholly
19 innocuous.

20 MR. COMYNS CARR: Now I offer in evidence
21 IPS document No. 3150-255A, recording a statement
22 by HIROTA on 5 November 1937 about his preference
23 for Britain over Germany or Italy as mediator between
24 Japan and China, whereas in fact he had already
25 asked Germany to act as mediator. This was put to

1 and in the main denied by the witness HORINOCHI at
2 pages 29,797-8.

3 MR. YAMAOKA: We have no objection to this,
4 your Honor.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 3150-255 will receive exhibit No. 3785 for
8 identification only; and the excerpt therefrom, being
9 prosecution document No. 3150-255A, will receive
10 exhibit No. 3785A.

11 (Whereupon, prosecution document
12 No. 3150-255 was marked prosecution exhibit
13 No. 3785 for identification; and the excerpt
14 therefrom, bearing document No. 3150-255A,
15 was marked prosecution exhibit No. 3785A and
16 received in evidence.)

17 MR. COMYNS CARR: (Reading) "5 November 1937.

18 "Then, on the 5th, I (HARADA) met the Foreign
19 Minister. He said: 'The British Ambassador came to
20 see me privately, and, repeatedly asked me (Foreign
21 Minister): "At this time, which country would be the
22 best mediator?" Thereupon, I replied: "Your country
23 is still the best." He said: "From what I see of
24 Japan, England seems to be much disliked so it makes
25 me wonder whether we would be the best." I stated:

1 "England is the most suitable country. Therefore,
2 haven't we been holding preliminary conversations
3 with you for some time?" Then, it was England's
4 report that "after looking at the situation in
5 China, it seemed a little as if those who are near
6 Chiang Kai-shek wished to somehow settle matters
7 with Japan." So I (Foreign Minister) told the
8 British Ambassador"-- again that stroke should come
9 out --- "that even if Germany or Italy were to act as
10 intermediary, it would not do at all."

11 I now offer, in evidence **LPS** document
12 3150-257B, a statement by KONOYE on 7 December 1937,
13 as to HIROTA's handling peace negotiations with
14 China through Germany, which was put to the witness
15 HORINOUCI and denied by him on pages 29,802-3,
16 but the statement at the end by HIROTA is in fact
17 in contradiction with the German Ambassador's account
18 in exhibit 486B.

19 THE PRESIDENT: Mr. Yamaoka.

20 MR. YAMAOKA: We have no objection to this
21 tender, if your Honors please.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Prosecution document
24 No. 3150-257 will receive exhibit No. 3786 for
25 identification only --

1 MR. COMYNS CARR: One moment. This is "B."
2 3150-257 has already got the number 3785, and in
3 accordance with the practice adopted, this excerpt
4 should be 3785B.

5 THE PRESIDENT: I think we will give it
6 a separate number.

7 CLERK OF THE COURT: Prosecution document
8 No. 3150-257 will receive exhibit No. 3786 for
9 identification only; and the excerpt therefrom, being
10 prosecution document No. 3150-257B, will receive
11 exhibit No. 3786A.

12 (Whereupon, prosecution document
13 No. 3150-257 was marked prosecution exhibit
14 No. 3786 for identification; and the excerpt
15 therefrom, bearing document No. 3150-257B, was
16 marked prosecution exhibit No. 3786A and re-
17 ceived in evidence.)

18 MR. COMYNS CARR: (Reading) "7 December 1937" --
19 the next words seem to have got in there by mistake.
20 They should come out.

21 "I should say that I am distressed with
22 HIROTA also," the Premier said: 'Just on the 2nd of
23 November, HIROTA met the German Ambassador and sub-
24 mitted the plan which was based on the assumption of
25 circumstances when the Supreme Command Office had

1 decided not to advance farther than the Paoting
2 line. The German Ambassador transmitted this to
3 Chiang Kai-shek on the 6th of November through the
4 German Ambassador to China. Chiang Kai-shek, however,
5 rejected it at that time. Recently, particularly
6 when Nanking was about to be in an imminent danger,
7 the German Ambassador to China recently reported to
8 Dirksen, German Ambassador to Tokyo, that Chiang
9 Kai-shek, being distressed, accepted it. We found
10 out all about it because the army stole that
11 telegram. And now, it is quite impossible to
12 accept the terms proposed at the time when we
13 stopped at the Paoting line. The Foreign Minister
14 being prepared for a case like that, had carefully
15 told the other side: "If the war situation changes
16 further, the terms of this talk will also change
17 according to the situation. Please bear that in
18 mind." . . ."

19 I now offer in evidence IPS document No.
20 2150-258A, a statement by KONOYE on 11 December 1937,
21 which was denied by HORINOUCI at page 29,803.

22 THE PRESIDENT: Mr. Yamaoka.

23 MR. YAMAOKA: I respectfully submit that
24 the witness HORINOUCI did not deny this statement.
25 He merely stated that he could not recollect it.

37,701

1 Moreover, I wish to state that we object to this
2 document as not being important and as having no
3 probative value.
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1 MR. COMYNS CARR: The importance of it, in
2 my submission, is that as early as this date, the 11th
3 of December, the government had decided, according to
4 the Prime Minister, that after the fall of Nanking,
5 Chiang Kai-shek's government would not be recognized;
6 whereas later, on the 14th of January, 1938, that was
7 treated as though it was a new decision arising out of
8 new circumstances.

9 THE PRESIDENT: By a majority, the objection
10 is overruled and the document admitted on the usual
11 terms.

12 CLERK OF THE COURT: Prosecution document
13 No. 3150-258 will receive exhibit No. 3787 for identi-
14 fication only; and the excerpt therefrom, bearing
15 prosecution document No. 3150-258A, will receive exhi-
16 bit No. 3787-A.

17 (Whereupon, the document above
18 referred to was marked prosecution exhibit
19 No. 3787 for identification; and the excerpt
20 therefrom was marked prosecution exhibit
21 No. 3787-A and received in evidence.)

22 MR. COMYNS CARR: (Reading) "11 December
23 1937.

24 "...KONOYE suddenly said: 'I've had enough,
25 so when recognition is withdrawn from Chiang's

1 government -- that is, after Nanking falls, Chiang
 2 Kai-shek's government is going to collapse. And
 3 Japan is going to issue a statement withdrawing recogni-
 4 tion from Chiang's government -- that's the time for
 5 me to get out I think, so that's when I want to quit..."

6 I now offer in evidence IPS document No.
 7 3150-258B, a statement by the witness HORINOUCI on
 8 14 December 1937, about which he was questioned at
 9 pages 29,877-9.

10 MR. HAYASHI: I am HAYASHI, Itsuro, counsel
 11 for the accused HASHIMOTO.

12 I object to the tender of IPS document
 13 3150-258B. In so far as the Ladybird incident is con-
 14 cerned, the contents in this document consist only of
 15 hearsay and add nothing new to what already has been
 16 shown to this Court in connection with this incident;
 17 and there is nothing that has so far been tendered to
 18 this Tribunal which would disprove the evidence already
 19 tendered to this Tribunal.

20 THE PRESIDENT: Mr. Comyns Carr.

21 MR. COMYNS CARR: This is not introduced for
 22 the purpose of proving the fact as against HASHIMOTO,
 23 of which there is ample evidence already, but for the
 24 purpose of proving HIROTA's knowledge of that fact,
 25 and, therefore, that his explanation given to the

1 British Government that it was an accident is untrue as to
2 his knowledge.

3 THE PRESIDENT: It does not negative acci-
4 dent, as far as I can judge.

5 Mr. Yamaoka.

6 MR. YAMAOKA: Originally I was not going to
7 object to this. Then, in the light of Mr. Carr's
8 statement, I was compelled to get up and object. But
9 now, in the light of the Tribunal's observation, I
10 shall not tender an objection to this document.

11 THE PRESIDENT: My observation might not
12 express the opinion of the majority of this Tribunal,
13 but I want Mr. Carr to point out where accident is shown
14 or negated.

15 MR. COMYNS CARR: The sentence on which I
16 rely is: "However, when it was twenty-six miles
17 upstream from Nanking, it was fired upon by the regiment
18 commanded by HASHIMOTO, Kingoro, at the order of
19 HASHIMOTO." In my submission, something which is done
20 at somebody's order cannot be an accident.

21 THE PRESIDENT: A mistake. I think the
22 suggestion is that there was a fog or something of the
23 sort and it could not be distinguished. Of course,
24 there is evidence the other way.

25 MR. COMYNS CARR: Yes, your Honor.

1 THE PRESIDENT: By a majority, the objection
2 is sustained and the document rejected.

3 MR. COMYNS CARR: I now offer in evidence
4 IPS document No. 3150-259A of 21 December 1937, with
5 regard to the attitude of the General Staff, HIROTA,
6 and KIDO, the two latter at a cabinet meeting or
7 meetings, on or about that date as to which the witness
8 HORINOUCI was questioned at pages 29,803-11. The
9 witness KAWABE was questioned at pages 22,047-50,
10 and the accused KIDO was questioned at pages 31,446-50.
11 Each of them denied parts of this document.

12 THE PRESIDENT: Mr. Logan.

13 MR. LOGAN: If the Tribunal please, with
14 respect to my friend's last statement, it is not in
15 accordance with the facts at all. Within the pages
16 Mr. Carr just quoted, on pages 31,448 and 31,449, the
17 accused KIDO said, and I quote: "I cannot now say for
18 certain that I did talk to HARADA in exactly that
19 fashion."
20

21 The next time he said, "Since those were the
22 actual conditions, I cannot say that I never talked
23 with HARADA on those lines at all."

24 And the last time he said, "On the whole, I
25 believe you can say that my ideas are faithfully
represented there, but I am somewhat surprised at the

strong language employed."

1 The first part of this document, of course,
2 was never shown to Marquis KIDO at all, and I think if
3 the prosecution had carried on they would have shown
4 that later on HARADA, if his diary is worth anything
5 at all, would show that Prince SAIONJI was worried about
6 using the Germans for mediation just the same as KIDO
7 was. So that, with respect to the importance of the,
8 particularly, last paragraph, I think the prosecution
9 is merely painting the lily as it has already been
10 dealt with by KIDO; and if it is admitted, that entire
11 paragraph should be submitted to the language section
12 because the language as translated is very strong.
13 Unless the document has no importance, it is merely
14 repetitive.
15

16 Now, with respect to probative value, the
17 SCAP translation for this Chapter 259 is dated Decem-
18 ber 27, 1937, and this conversation in IPS document
19 3150-259A is supposed to have occurred on the 21st day
20 of December, 1937. In that chapter, apparently dictated
21 to Mrs. KONOYE on the 27th day of December, 1937, HARADA
22 sets forth and quotes from sixteen different conversa-
23 tions which he had during that period of time with
24 sixteen different people, of course, and he also
25 includes quotations from conversations he had with

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1 two other people on the 29th and 30th, which was two
2 days after the date of this dictation.
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1 And in addition to that, we have evidence that
2 at some of these conversations he records there were •
3 at least two or three other people present, and he also
4 does not, of course, record other conversations he may
5 have had, and so he talked probably with more than fifty
6 people during that period of time and purports to put in
7 here what each one of them quoted.

8 MR. YAMAOKA: May it please the Tribunal.

9 THE PRESIDENT: Mr. Yamaoka.

10 MR. YAMAOKA: I respectfully submit that this
11 matter is covered in exhibit 3263, record 29,815 to
12 29,830, which is entitled, "Outline of Measures for the
13 China Incident, Decision of the Cabinet Council on
14 December 24, 1937." The Cabinet meeting referred to in
15 the sixth line of this proposed document is also covered
16 by exhibit 2259 at record 16,222.

17 I respectfully submit that it is repetitive,
18 does not add anything new, is not impeachment of any
19 statement by any witness on behalf of HIROTA, and is
20 therefore not important and has no probative value.

21 MR. COMYNS CARR: May it please the Tribunal,
22 with regard to KIDO, in my submission, with regard to
23 such an important matter as this the Tribunal should not
24 be content with an equivocal "I might have said something
25 of the kind," as is shown in KIDO's cross-examination.

1 The main importance of the excerpt lies in the
2 fact that it was the Cabinet meeting and, according to
3 KIDO's statement here, KIDO in particular who insisted
4 that no definite or concrete terms should be sent to
5 China but only abstract ones. And later on, in conse-
6 quence of that, when the Chinese asked for the details
7 of the terms, the Cabinet chose to say that it was an
8 insincere answer and break off all negotiations and
9 refuse to send the details. That is much more important
10 than any question whether the negotiations should be
11 conducted through Germany or somebody else.

12 Now, with regard to the first paragraph relat-
13 ing to HIROTA, in my submission, it is futile for my
14 friend, Mr. Yamaoka, continually to say that the subject
15 matter is covered by other evidence.

16 THE PRESIDENT: By a majority the objection is
17 overruled and the document admitted on the usual terms.

18 MR. LOGAN: May I have the last paragraph sub-
19 mitted to the Language Section?

20 THE PRESIDENT: It is referred accordingly.

21 CLERK OF THE COURT: Prosecution document
22 3150-259 will receive exhibit No. 3788 for identification
23 only, and the excerpt therefrom, being prosecution docu-
24 ment No. 3150-259-A, will receive exhibit No. 3788-A.

25 (Whereupon, the document above

referred to was marked prosecution exhibit
No. 3788 for identification; the excerpt
therefrom being marked prosecution exhibit
No. 3788-A and received in evidence.)

MR. COMYNS CARR: (Reading)

"21 December 1937

"On the 21st, I (HARADA) met the Foreign Minister. The Foreign Minister said: 'General Staff Headquarters wants to stop the war as soon as possible. They are very impatient saying: "We would like to have Germany as mediator and ascertain the desires of China." We wanted to set up our stipulations and in hopes of securing a concrete plan by liaison conferences endeavored in various ways. The result was presented at a Cabinet meeting. They said: "If this plan is submitted to them and isn't accepted, the Government will be placed in an embarrassing position." The plan is to be changed to four abstract terms to cover the general situation, that is, anti-Comintern, economic collaboration, reparations, and recognition of a special regional government. The plan is to be reported to the Emperor by the Premier and also by the Army and Navy leaders of the Supreme Military Command office. It was decided to close the matter without holding a conference in the Imperial presence. The President of the United States

1 who was sitting next to Ambassador SAITO at some event in
2 Washington whispered to him: "Isn't it one way to try to
3 have Germany handle the matter (as intermediary)?" The
4 Foreign Minister also stated: 'I hear that Italy wants
5 to enter into the negotiations between Japan and China to
6 settle the situation. Concerning China geographically,
7 I think that Shantung must be included if a Chinese
8 government is to be set up in view of the setting on fire
9 by the Chinese of the cotton spinning factory owned by
10 Japanese at Tsingtao. One of the problems is what the
11 results will be if, at the same time as the request is
12 transmitted through Germany, Shantung is attacked. The
13 political parties are very strong in their demands
14 because of what they see in the atmosphere of the foreign
15 nations. The Soviets are approaching Yen Hsi-shan and
16 the German militarists seem to be approaching Chiang
17 Kai-shek.'

18 "That day I (HARADA) met KIDO. KIDO said:
19 'The whole matter has been disorderly and I said plenty
20 at the Cabinet meeting. I wonder if General Staff Head-
21 quarters hasn't committed various stipulations concrete-
22 ly through the German Military Attache in Tokyo. I feel
23 it very dangerous to see the Army and Navy, especially
24 the Army, or rather General Staff Headquarters so anxious
25 to press the peace solution. If we submit many concrete

1 stipulations and they turn it down, we are only letting
2 them in on what we want. It will all be a loss with no
3 gain. I am very worried wondering why they are in such
4 a hurry. Today at the Cabinet meeting, I made a strong
5 assertion and said: "It is necessary that they be more
6 abstract and cover everything. What need is there to
7 force ourselves into asking Germany?" It is very strange
8 that General Staff Headquarters is so eager. I am
9 worried that Germany might put one over on us."

1 I now offer in evidence IRS document No.
2 3150-260B of the 8th January, 1938, being an account
3 by KONOYE of the circumstances under which the Imperial
4 Conference of January 11 came to be held, which was
5 put to the witness HORINOCHI at page 29,835.

6 THE PRESIDENT: Is there no objection?

7 Mr. Yamaoka.

8 MR. YAMAOKA: May it please the Tribunal, I
9 wish to object to this document. It is covered in
10 prosecution exhibit 3270 at record 37,248 --

11 I am very sorry; I had the wrong document in
12 my hand, your Honor.

13 THE PRESIDENT: Mr. Logan.

14 MR. LOGAN: With respect to the document
15 just offered, if the Tribunal please, at the beginning
16 it presumes to quote what Premier KONOYE said with the
17 word "To" on the fourth line. There is nothing to
18 indicate where it ends. And then they start quoting
19 him again from the sixth line from the bottom to the
20 end.

21 MR. COLYNS CARR: My friend Mr. Yamaoka does
22 not object.

23 With regard to Mr. Logan's statement, as I read
24 it the whole thing is a quotation from KONOYE. The
25 only words that are not, being the words in the sixth

line from the bottom, "The Premier also stated..."

1 That is quite clear from the words "...I intend to
2 request..." in the previous line, because the Premier
3 was the only person who could request an Imperial
4 Conference.

5 THE PRESIDENT: By a majority the objection
6 is sustained and the document rejected.

7 MR. COMYNS CARR: I now offer in evidence
8 IPS document No. 3150-260C, being a series of excerpts
9 covering the dates 14-17 January, 1938, being accounts
10 by KONOYE, HIROTA and KIDO of what happened at the
11 Imperial Conference and subsequent Liaison Conferences
12 and Cabinet Meetings leading to the refusal of the
13 Japanese Government to have any further dealings with
14 Chiang Kai-shek. Parts of this were put to the witness
15 HORINOUCHI at pages 29,859-64, to the witness KAWABE
16 at pages 22,055-7 and to the accused KIDO at pages
17 31,450-56.
18

19 THE PRESIDENT: Mr. Logan.

20 MR. LOGAN: If the Tribunal please, on page
21 two of this document we have a very peculiar situation
22 where HARADA records what both Prince KONOYE and KIDO
23 said in a long paragraph in quotation marks. Apparently
24 they both spoke and wrote to HARADA. Before cluttering
25 up the record I think the prosecution should find out

whether that is so. It seems impossible to me. In
1 any event, this paragraph was not put to KIDO.

2 And with respect to the paragraph on page
3 three, that part was put to KIDO when he took the
4 stand and he said in substance that he had no
5 recollection of it, though he did recall a conversation
6 he had with Prince CHICHIBU and gave it in full in
7 his examination. The substance of that conversation
8 if it is material at all -- I don't see where it can
9 be-- should not be permitted to be introduced at this
10 time as it is repetitive, and I am informed it would
11 be a waste of time to read page three to the Tribunal
12 because it all must be referred to the Language Section,
13 as I understand, the exact translation of that is so
14 different than what is set forth in this document.

16 THE PRESIDENT: Colonel Warren.

17 MR. WARREN: If the Tribunal please, I have
18 an objection on the part of HIRANUMA. I desire to
19 enter a special objection for HIRANUMA because of the
20 ambiguity of this document with reference to him.

21 In the first paragraph, according to the
22 Memoir, the Chief of the Army General Staff, the Chief
23 of the Navy General Staff and the then constituted
24 government were in accord on some sort of a proposition
25 which is not set out. We know that the meeting was

1 held sometime before the 14th of January because
2 HARADA, if he wrote this, states that when he called
3 on the Foreign Minister on the 14th he said, in short,
4 that the council held a meeting in the presence of
5 His Majesty. I assume, and I have been told by the
6 prosecutor that my assumption is correct, that this
7 refers to the Imperial Conference which was held on
8 the 11th of January.

9 Now with reference to the subsequent changings
10 of mind that this document is concerned with as between
11 the Government and the Army, if any there were -- this
12 document purports to show that there were -- HIRANUMA
13 apparently had nothing to do with that.

14 As for the Imperial Conference on the 11th,
15 which apparently is the only one to which his name
16 is connected in this document, there is ample evidence
17 in the record concerning that.

18 And in order that we will not have to treat
19 with this document at a future time and take up the
20 additional valuable time of the Tribunal, we ask at this
21 time that the document be not admitted against HIRANUMA.

22 MR. YAMAOKA: May it please the Tribunal.

23 THE PRESIDENT: Mr. Yamaoka.

24 MR. YAMAOKA: I desire to enter an objection
25 on behalf of Mr. HIROTA to this document.

1 In addition to the general objections set
2 forth by my learned colleagues, I desire to point
3 out that the subject matter of this excerpt was
4 already covered by prosecution exhibit 3270 at record
5 37,248 and exhibit 3264, record 29,837. This last
6 exhibit continues to record 29,851. I therefore
7 submit, if your Honors please, that this adds nothing
8 new to the case. It is repetitive and in the light
9 of the previous evidence is unimportant and has no
10 probative value.

11 MR. COMYNS CARR: Your Honor, the first
12 paragraph I agree is repetitive and need not be read.
13 It is only put there to introduce the rest and explain
14 what the subject matter of the next two paragraphs was.

15 The rest of it --

16 THE PRESIDENT: Is it necessary to make what
17 follows intelligible?

18 MR. COMYNS CARR: Yes, your Honor, but I agree
19 there is nothing new in it. The rest of it is new and
20 contains many important matters.

21 THE PRESIDENT: By a majority the objection
22 is overruled and the document admitted on the usual
23 terms.

24 CLERK OF THE COURT: Prosecution document
25 No. 3150-260 will receive exhibit No. 3789 for

1 identification only; and the excerpt therefrom, being
2 prosecution document No. 3150-260C, will receive
3 exhibit No. 3789-A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution exhibit No.
6 3789 for identification; the excerpt there-
7 from being marked prosecution exhibit No.
8 3789-A and received in evidence.)

9 THE PRESIDENT: You may read it in the
10 morning, Mr. Carr.

11 MR. COMYNS CARR: If your Honor please.

12 THE PRESIDENT: We will adjourn until half-
13 past nine tomorrow morning.

14 (Whereupon, at 1600, an adjournment
15 was taken until Tuesday, 20 January 1948,
16 at 0930.)
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